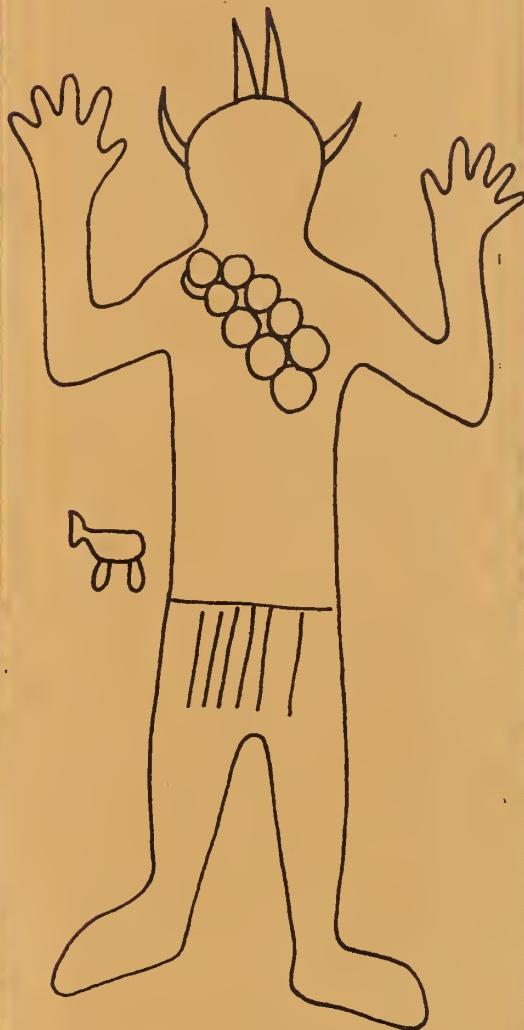


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HISTORICAL FIRSTS IN THE FOREST SERVICE



- I. THE BASELINE WIRELESS STATION:
First Use of Radio in the Forest Service
- II. THE CORONADO TRAIL:
First Federal Aid Highway
- III. THE FAT WAS IN THE FIRE:
First Court Test of Regulation T-12
- IV. IT AIN'T BEEN THE SAME EVER SINCE:
First Use of Aircraft to Move Manpower
in Fire Emergencies

By

Robert W. Bates

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December 1978

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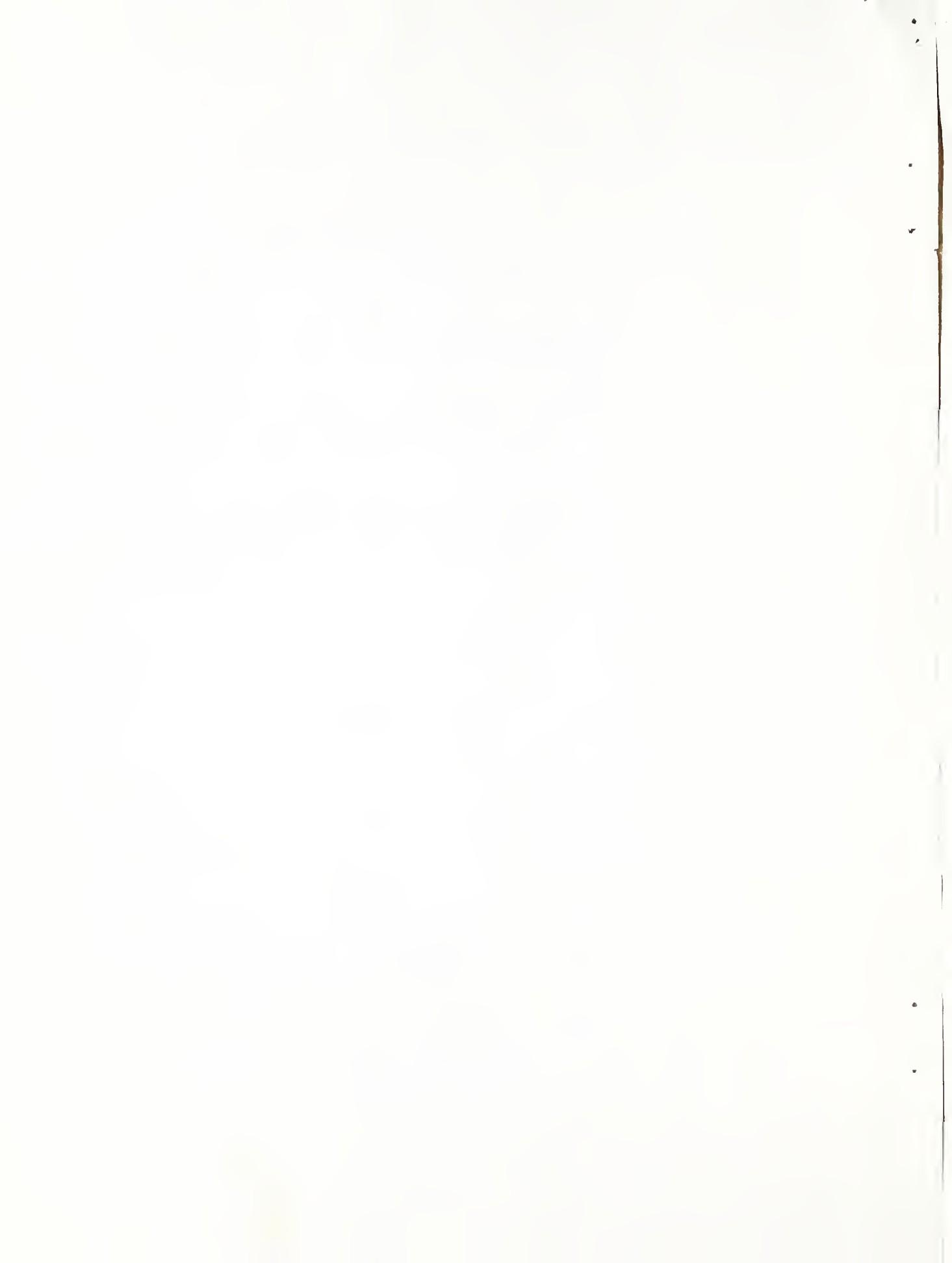
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#6 USDA Forest Service,
Southwestern Region,
December 1978



THE BASELINE WIRELESS STATION:
First Use of Radio In The Forest Service

Introduction

In 1916 use of short-wave radio by a Forest Ranger was uncommon enough to rate a headline in the newspapers. On December 5, 1916, the following article appeared in the Arizona Star at Tucson:

ARIZONA FOREST RANGER TRANSMITS HIS REPORT IN WIRELESS MESSAGE

Outfit Costs \$75.00 Whereas A Phone Line Would Have Cost \$4,000.00.

A message received here this morning from District Forester Redington^{1/}, who is inspecting the Apache National Forest in Arizona, states that a wireless message was transmitted yesterday from the Baseline Ranger Station to Clifton, a distance of 40 miles. This is believed to be the first time that wireless has been used in transacting National Forest business.

The outfit was installed by Forest Ranger Warner and Ray Potter of Clifton and cost \$75.00. An ordinary telephone line between Clifton and Baseline would cost at least a hundred dollars per mile, or \$4,000.00. The transmittal of the message demonstrates the practicability of overcoming the heavy static incident to the dry climate of the Southwest, and Forest Officers hope that wireless telephoning will be the next development in the National Forest communication system. Wireless telephoning would eliminate the cost of special telegraph operators incident to an ordinary wireless system, and would be of incalculable value in combating Forest fires and transacting general Forest business.

Actually the first message appears to have been sent a few days earlier on November 26, 1916. Mr. Redington was fortuitously on hand and seems to have been an enthusiastic supporter of wireless operations. He sent the following message:

Forestry, Albuquerque, New Mexico
This message by wireless from Baseline Ranger Station, Apache National Forest, Arizona to Clifton, Arizona, distance forty miles. First of its kind sent in this district. Probably first from any ranger station in the United States. Project conceived by Ranger William R. Warner, apparatus installed by him and Ray Potter. Cost \$75.00. This method should render possible large decrease in construction and maintenance cost Forest communications system. This message being sent to all Districts^{2/} and Washington.

Redington

This message was transmitted by wireless only the 40 miles to Clifton and then relayed by telegraph to the Regional Office of the Forest Service in Albuquerque where Mr. Redington was District Forester for the Southwestern Region. Nevertheless, use of radio for Forest Service communication was born.

This paper is not an attempt to write a definitive history of radio use in the Forest Service, but it is what the author believes to be a spotlighting of the first known attempt of such use.

Background

The Foreword of the current Radio Technician Handbook, FSH 7211.32, gives a brief overview of Forest Service radio history. Some of the passages are quoted below as background:

The Forest Service has long recognized the need for communication facilities other than those furnished by wire telephone systems. A rapid form of communication with field personnel and with stations engaged in Forest protection work was needed. Radio was suggested as early as 1913. Extensive attempts were made to use the heliograph, but with indifferent success. Later, sporadic trials were made of radio in New Mexico, Montana, Oregon, and elsewhere. Radio was then far from its present state of development and the experiments were abandoned for lack of adequate equipment. (Emphasis added.)

In 1927, D. L. Beatty, a Forest Officer whose hobby was radio, demonstrated a small radio telegraph transmitter-receiver to a group of Forest Service officials. Results were so encouraging that Mr. Beatty was urged to devote his entire time to the radio experiment at least until it was definitely determined whether radio equipment was sufficiently advanced to be used advantageously in forest-protection work.

It was decided to employ commercial, portable radio transmitting-receiving apparatus in order to learn something about the absorbing effect of green timber on radio signals, and to discover to what extent radio "shadows" from hills and mountains would interfere with communications. To the consternation of the sponsors of the project, suitable equipment

could not be found on the market. Finally, a contract was entered into with a well-known manufacturer of radios to build two portable outfits. When the sets were received, it was evident that the manufacturer's idea of construction and portability differed somewhat from that of the Forest Service. The sets were portable by truck but one complete outfit could not be packed on a single pack animal. After some modifications the sets were finally made to work and considerable time was spent making transmission tests on various National Forests. Signal measurements were made with radio transmitters set up in brush areas, under dense mature forest canopies, in deep canyons, and on high mountains. Different frequencies in the HF, 3. to 4. mc band were tried for both day and night communications. Varying amounts of power were used.

Early in the history of the project it became apparent that satisfactory results might best be obtained by placing the work under the supervision of foresters who had some technical knowledge of radio. Obviously, the men who, by years of training and experience, had detailed knowledge of the Forest Service organization and the many different conditions of topography and fire hazards, were best equipped to determine the basic kind of tool needed. Cost was of course a factor. In fact, the project was set up as an experiment, to determine if radio equipment could be made that would be sufficiently light, strong, and inexpensive, and also reliable over given distances to meet the specific Forest Service needs. So in January 1930, Forest Officer Beatty began work on the model of a portable Forest Service radio transmitter-receiver. Later, nine duplicates of this model were built. They were used throughout 1930 and 1931 in field tests, principally to determine the best construction, size, and shape.

The genesis of the Baseline radio experiment is best described by a report written at the time (Slonaker, 1917^{3/}). Excerpts follow:

Ranger Warner in charge at Baseline, while riding to Clifton during the summer of 1916 noticed a wireless aerial over Mr. Potter's^{4/} house, two miles north of Clifton, Arizona. Mr. Warner, his interest suddenly being aroused, rode to the house and asked for information as to the wireless equipment. Mr. Potter who is a high student in Clifton has always been interested in electrical work, especially in methods of communication and he informed Mr. Warner that his wireless

station had given very satisfactory service. He had succeeded in sending and receiving messages from a similar wireless station three miles south of his station and also had picked up messages from many points in the United States. Mr. Warner became greatly enthused and discussed with Potter the possibilities of the installation of wireless telegraph equipment to connect him with the stations in Clifton from which point messages could be transmitted by regular telegraph.

Mr. Potter and Mr. Warner then ordered the necessary material for a wireless telegraph outfit from a mail order house for the Baseline Ranger Station. This material was received in a few days and was immediately packed to the station where Mr. Warner and Mr. Potter installed it. They worked under many adverse conditions. The aerial is attached to a point on the west bank of the Canyon 557 feet above the river bed, and then stretched to a point on the east side of the Canyon 198 feet above the river bed. The distance between these two points is about 1,600 feet. The wire and all the material for the aerial were secured in Clifton but when they came to build, it was found that there was not enough of all the material necessary so substitutions were necessary in many cases. When the brass wire ran out for the antenna copper and baling wire were used. They figured on using No. 10 galvanized iron wire for the sustaining wire but there was not enough of this so they were required to use over 500 feet of ordinary barbed fence wire. The lead-in wire consisted of 25 feet of galvanized iron and 133 feet of copper wire with rubber covered wire where it enters the house to the aerial switch where connections are made to the receiving and sending set. They used the side frame of an iron bed for a ground rod instead of the standard for such installations. Nevertheless, with all this makeshift material and conditions under which they were required to work, in less than six weeks after the time the order was sent in for material messages were being sent and received between Baseline Ranger Station and the two wireless stations in Clifton, Arizona.

The first message was received in Clifton by Mr. Harriman--not otherwise identified--but who had the other set in Clifton, in addition to that of Ray Potter. The wireless equipment could not transmit voice and messages were in Morse Code. The operator had to learn telegraphy but apparently Ranger Warner mastered it quite quickly (Figure 1).



Figure 1. Ranger Warner at the key.

Baseline Site

The old Baseline Ranger Station, from which the first radio message was sent, has been gone for many years and nothing marks the site except two exotic, untended Osage orange trees where the well-kept yard used to be, and the fence around the old alfalfa field and horse pasture. The site is now used as a holding pasture for cattle (Figure 2).

Baseline Station gets its name from its location on the Gila and Salt River Baseline of the public land surveys. On December 1, 1919, the Baseline Ranger District was combined with the Clifton District to form the Baseline-Clifton District. Later there were other consolidations and it became the Clifton District on December 31, 1926. The present District includes most of what, in different times and combinations, were parts of the Baseline, Greenlee, Metcalf, Clifton, Eagle, Chase Creek, and Honeymoon Districts. The District went to the Crook National Forest on January 23, 1925, then to the Gila on October 23, 1953^{5/}, and back to the Apache on August 15, 1958. Ranger Warner^{6/} was the next to last Ranger at Baseline, serving thereafter as Clifton Ranger and then on the Big Burros District of the Gila National Forest.

The Baseline site has a history preceding the establishment of the National Forest and use by the Forest Service for a Ranger Station. Fred J. Fritz lived there awhile; of this Arizona Place Names^{7/} says:

Here he lived with Nat Whittum, an older man who had been an Indian scout. In 1891 Fritz went to Clifton for supplies and upon his return found Nat kneeling by the bed in the cabin, dead. He had apparently been reaching for his gun and died in that position. From the house Fritz followed the trail of blood which led to the spring and horse corral. This indicated that the killer had watched Nat leave the cabin, go out to the horses, and then had shot him unarmed early in the morning. It was thought that Nat was killed by the Apache Kid, a renegade Indian.

This location became known as Whittum and was the site of a post office which was established there July 21, 1894, with Isaac F. Castro as postmaster. The name was changed to Blue on November 3, 1898, and C. D. Martin was later the postmaster. Still later (probably in 1904) the post office was moved upstream about 4 miles to Benton at what is now the Fred J. Fritz, Jr., HU Bar



Figure 2. Looking across the Blue River from east tie point to the west point 1600 feet away. Note the twisted barbed wire in foreground. Note Baseline Station at lower left.

Ranch site on patented land within the Blue Range Primitive Area. Present day Blue Post Office is in the upper Blue River and is not related to this earlier Blue Station.

The Baseline site is on the south boundary of the 233,000 acre Blue Range Primitive Area and much of Mr. Fritz's Sandrock Allotment lies within this area. Freddie, as he is known affectionately to people all over Arizona, says in a letter to the author about Baseline:

I have many memories of Old Baseline - as I've been here always - if it could talk it could reveal much. It was the second place where my father lived in 1886 and 1887 and the Indians killed Nat Widom (sic) - a fellow who was staying with father (he had gone to Clifton after some supplies) - there were others killed in the same raid. After that dad moved to this location. Too, it was at Baseline I met my wife Kathleen Anderson - we were just kids - she 15 - I 16 - she was the youngest sister of Mrs. Ernest (Bertha) Patterson⁸/ who was Forest Ranger and had been transferred to Baseline - Kathleen came out - she was raised in Tennessee - to spend the summer. We were married August 1927. Yes, I could ramble on forever about Baseline and the Blue.

Speaking about the radio experiment Freddie says:

It was quite an event for us here - and was used by us here on various occasions to get messages to Clifton and elsewhere. Hal Sizer⁹/ - who later became Forest Supervisor also a brother-in-law of Harry Hinck¹⁰/ who was Ranger at Baseline in the early days wrote quite a poem about Warner's wireless operation and the only lines that come to my mind at the present time are:

*"And the aerial swung
From the barbed wire hung
From a crag on the mountain wall,
And the transmitter set
On the table to let
Sir William send out his first call."

Warner was ranger here when I left for 1st World War October 3, 1917, - and was transferred while I was gone - and a fellow by the name of Searle was the ranger, but he too was gone and Baseline abandoned while I was gone - that all happened in 1918 I think. I have had a lease on the place since then - in later years and tore the building down.

*Since writing this Ed Groesbeck, retired R-3 timber beast, has come up with all 11 verses. These lines are part of verse 5.

So that was the end of the Baseline Station and the radio equipment didn't fare much better. Mr. Redington was enthusiastic about it but equipment was cumbersome and not very reliable. The Baseline report states that as early as 1914, Mr. Slonaker had recommended wireless for use on the Carson when the Supervisor's Office moved to Tres Piedras¹¹, a rather isolated location even today; and District Forester Ringland¹² had recommended it for the Datil¹³ also in 1914.

Those concerned with the Baseline experiment enthusiastically recommended it as a way of saving thousands of dollars in telephone line construction costs, but they failed to reckon with some of the real problems. The installations were fixed and lacked versatility. The antenna installations for the frequency used were major undertakings. The antenna at Baseline spanned the Blue River Canyon for 1,600 feet and was 132 feet above the station. At the time telephones were still the best bet for communications because field sets could be tapped in and phones assigned to fire cooperators all along the lines. Nevertheless, the Baseline radio experiment was the beginning of interest in use of radio and it led to some early portability achievements by the Forest Service radio lab, which in turn stimulated manufacturers. And so today we have come to rely almost totally on radio for field communication. It all began by a few pioneering spirits at Baseline down on the Blue.

Footnotes

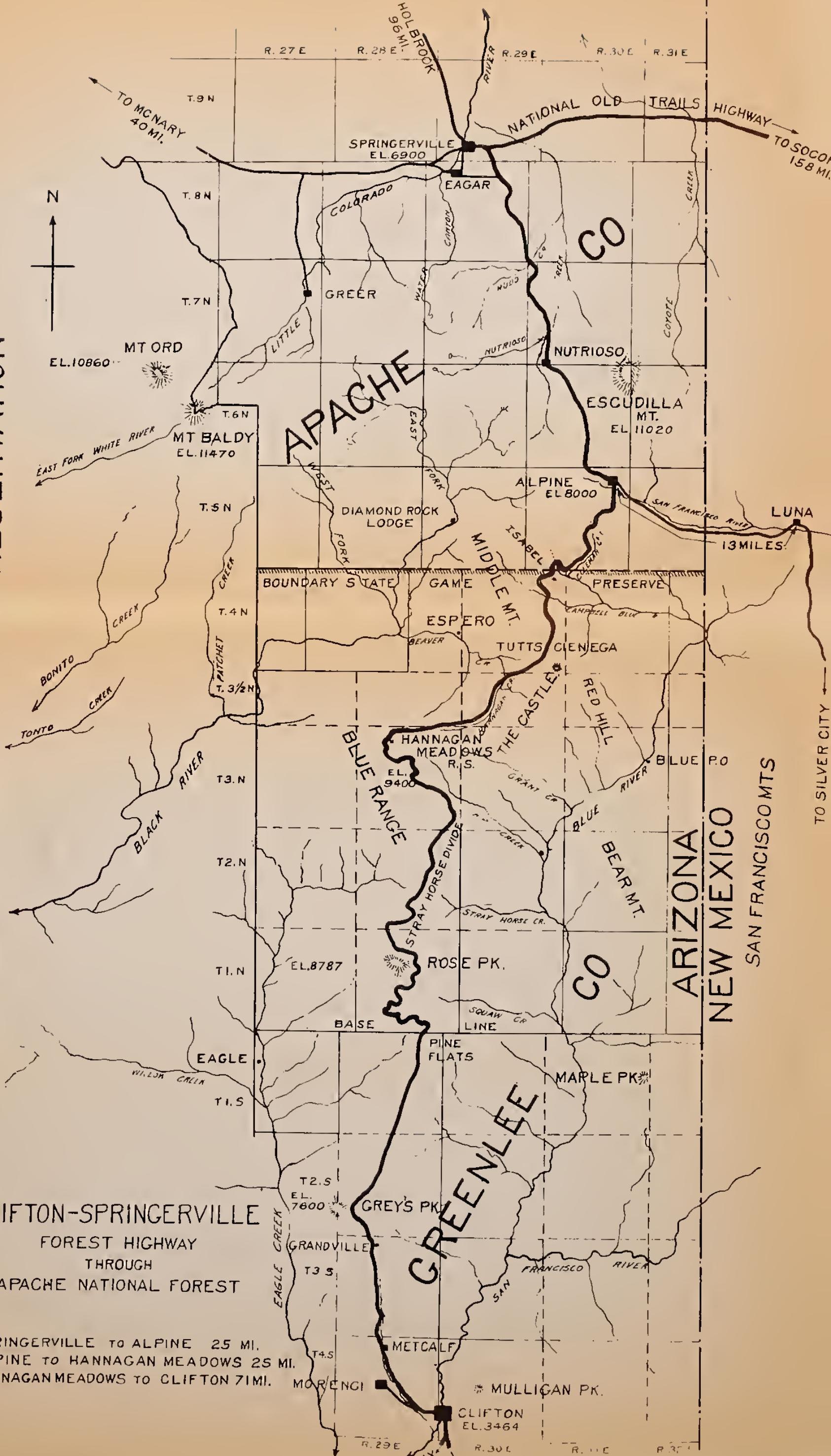
- 1/ Paul G. Redington, District Forester from April 1916 to December 1919.
- 2/ All Regions, that is.
- 3/ Slonaker, L. V. - 1917, Report on the Baseline Wireless Station, Apache National Forest, Arizona, and Wireless Investigations in the Southwestern National Forest District. MS on file USDA - Forest Service, Southwestern Region.
- 4/ Ray Potter, son of Del M. Potter, c.f., The Coronado Trail: First Federal Aid Highway. The Potter Ranch House is a National Register Site.
- 5/ The Crook was abolished in 1953 with portions going to the Gila, Coronado, and Tonto National Forests.
- 6/ C. C. Searle followed Warner as Ranger serving from October 1917 to February 1918.
- 7/ Arizona Place Names, by Will C. Barnes, University of Arizona Press.
- 8/ Ranger Ernest R. Patterson - Clifton Ranger District, January 1911 to June 1911; Greer Ranger District, June 1912 to February 1914; Baseline Ranger District, February 1914 to September 1915; Alpine Ranger District, September 1915 to July 1919.
- 9/ James H. Sizer, Supervisor, Apache National Forest from January 1922 to September 1925.
- 10/ John H. Hinck - Ranger at Baseline from November 1910 to February 1914.
- 11/ Supervisor's Office moved to Tres Piedras, New Mexico, from Antonito, Colorado, in May 1911. In January 1915, it moved to Taos.
- 12/ Arthur C. Ringland, District Forester from December 1908 to April 1916. Mr. Ringland still lives in Washington, D. C., and remains very active.
- 13/ The Datil National Forest was established June 18, 1908, from parts of the Gila National Forest and other areas with Headquarters at Mandanella, New Mexico. John Kerr was the first Forest Supervisor. The Forest was abolished in 1931 and parts added to the Apache, Gila, and Manzano National Forests.

THE CORONADO TRAIL:
First Federal Aid Highway

WHITE MOUNTAIN INDIAN RESERVATION

CLIFTON-SPRINGERVILLE
FOREST HIGHWAY
THROUGH
APACHE NATIONAL FOREST

SPRINGERVILLE TO ALPINE 25 MI.
ALPINE TO HANNAGAN MEADOWS 25 MI.
HANNAGAN MEADOWS TO CLIFTON 7 MI. MORENGI
T4.S METCALF
MULLIGAN PK.



Introduction

The following event was reported in the Tucson Citizen of February 20, 1917:

ARIZONA GETS THE FIRST FOREST ROAD

The first national forest road to be constructed under the Federal Aid Act will be located in the Apache Forest, Arizona, a survey for which has been authorized by Secretary Houston. The piece of road will be 71 miles in length and will cost about \$342,500, to be borne equally by the Federal government and the local community. Among the advantages of the highway will be the opening up of enormous industrial resources and magnificent recreation area for tourist travel.

There is a highway in Arizona known as the Coronado Trail. It is now a portion of U.S. 666 and links the town of Clifton and Alpine (Man 1). Most of its length is within the Apache National Forest where it also bears the designation of Forest Highway 19. Officially Forest Highway 19 starts a few miles north of Clifton at the location of the now gone mining town of Metcalf in Chase Creek Canyon which is in the shadow of the great open-pit copper mine at Morenci.

Clifton is in the semi-desert zone at 3,500 foot elevation while Alpine is in the ponderosa pine type at 7,500 feet. In between, the highway crosses the Mogollon Rim in the spruce-fir type at 9,300 feet. Prior to 1968 the road was often closed during the winter but now the Arizona Highway Department attempts to keep it open. This highly scenic, but very crooked and mountainous road, has been a lure as well as a nemesis to the adventurous driver ever since it was built.

The author recalls leaving a restaurant in Clifton late one night in 1969 as an exhausted tourist drove up and tumbled from his under-powered foreign van, then staggered to the door to see if the place was still open while mumbling to no one in particular, "My God! They ought to take that road off the highway maps."

Between Hannagan Meadow and Clifton there is a 65-mile stretch with no public accommodations of any kind. Indeed, the only signs of habitation are two seasonal Forest Service guard stations, two small campgrounds, two State Highway maintenance camps, and the summer vacation cabins at Granville. Granville is not a community, but just a geographic spot.

The story of the origin of the road and the years of construction which culminated in the grand opening celebration in 1926, is of considerable historical significance. The Coronado Trail (Old Forest Highway 19) was the first project ever authorized under Section 8 of the Federal Aid Road Act of July 11, 1916 (39 Stat. 355). At that time the road program of the United States was administered from the U.S. Department of Agriculture by the Forest Service. This was then, primarily an agriculturally oriented nation and the Agricultural Committees in the Congress were very powerful in directing National programs.

Coronado Trail

It is not certain when the name "Coronado Trail" was first used for the road, but by 1929 the name was being routinely applied in Forest Service correspondence. The first reference (Forest Service Historical File) is in one of Mr. Guthrie's two speeches at the 1926 dedication entitled "The Trail of Coronado" which he closed with the words:

We of our three centuries later are now opening again that old historic route - as "Coronado's Trail," perhaps one of the most historic trails in all America, in a state teeming with history and romance of the early days of this country. A region that was having its history one hundred years before Jamestown or Plymouth were heard of.

Actually, it is doubtful that this was really the route taken by Coronado. Certainly, the sanity of the famed Conquistadore could be questioned had he picked a route up this rocky and waterless hogback with his 1,100-man army and the 600 pack animals in his train. According to Guthrie his journals reveal that he came through the area in early summer of 1540, with the army following in October, on his search for the Seven Cities of Cibola. It is more likely they followed the water level route of the Blue or San Francisco Rivers. A journal of the trip was kept by Pedro de Castaneda and he says of the high country they reached in what is now the Apache National Forest (as quoted in Guthrie):

There are great quantities of the pine nuts. The pines are two or three times as high as a man before they send out branches. There is a sort of oak with sweet acorns, of which they make cakes like sugar plums with dried coriander seeds. It is very sweet, like sugar, water cress grows in many springs and there are rosebushes,

and pennyroyal and wild marjoram. There are barbels and picones like those of Spain in the rivers of this wilderness. Grey lions and leopards were seen. The country rises continually from the beginning of the Wilderness until Cibola was reached, which is 80 leagues going north^{1/}.

Although there is no evidence that the highway followed Coronado's path, the name bridges the chasm of time and today seems appropriate (Figure 1).

Initial Problems

The beginning of the Coronado Trail goes back to the very early days of the Forest Service. It is a story of considerable perseverance, great effort, and years of political maneuvering, but yet a good illustration of cooperative effort. Construction did not start until 1919 but plans were started 10 years earlier.

No one knows by whom or when a road running north from Clifton to the high country was first conceived. The copper mines around Clifton were established in 1872 and the area boomed after 1881 when the Detroit Copper Company started operations at Morenci in a big way. There was a great need for mine timbers, so small logging operations up the Blue River and at Granville and Grey's Peak helped fulfill the need. After the railroad arrived in Clifton, most timber was shipped in from the West Coast, but the local people dreamed of direct access to the timber stands beyond the Blue Range^{2/}. The wagon route up the bottom of the Blue River could do no more than follow the wash with innumerable river crossings, and the great flood of 1905 nearly obliterated all traces of that route. There were settlements on both the Blue River and Eagle Creek that had very difficult access. The story of how a large group of miners were hired to lug a piano slung between two poles from Clifton to the Double Circle Ranch on Eagle Creek is another story and is one of the pioneer tales of Arizona.

To build the road, it was first necessary to decide on the best route. There were three possible choices; by way of the San Francisco River and its Blue River fork on the east, up Eagle Creek on the west, or follow the divide between the first two. The latter was the final choice but general public acceptance did not come easy. The Blue River route had a vociferous advocate in one Del M. Potter who lived on the San Francisco River above Clifton on the eastern route. Mr. Potter was a man of some influence, being--for one thing--one of the Vice Presidents of the



Figure 1. The switchbacks out of Chase Creek just above Coronado Spring. It is doubtful Coronado really went this way. Photo was taken July 1921 shortly after the road opened.

Ocean to Ocean Highway Association and President of the Transcontinental Good Roads Association of Arizona. Starting in 1911, this campaign for the Blue River route went unabated for over 20 years, even continuing after much construction had taken place, and then later advocating a scheme to veer off from the constructed portion to the Blue River, and finally launching a campaign in 1930 for the County to disavow responsibility for the road.

There was not complete agreement on the feasibility of the road even within the Forest Service. On October 16, 1909, Daniel W. Adams, who signed with the title of "Lumberman^{3/}," was a staunch advocate of driving logs down the Blue River to Clifton through a series of flumes in the upper reaches, plus dams, shear booms, and other improvements lower down.

His argument against what was then being termed the Blue Mountain Wagon Road Project pointed up the following difficulties:

- "1. The length of the road.
2. Inaccessibility of the timber to the proposed road line.
3. High altitude traversed, and the consequent weather conditions.
4. Cost of building road, and maintenance.
5. Impracticality to secure number of freighters necessary to haul fifteen million feet in only four months of open season.
6. Absurdity of the project as compared to driving the Blue which drains the same timber area."

His report went on to discuss each of these headings in detail. The discussion for number 4, Cost of Building Road and Maintenance, is quoted in its entirety:

As you know a hurried examination of the preliminary location^{4/} of a difficult mountain road like this, where the amount of rock and dirt excavation has to be guessed at very roughly by anyone, there is quite a latitude for difference of opinion. However, judging from some experience in mountain road building I would not put the first 60 miles of this road from Clifton at less than two-hundred and sixty thousand dollars. I have in mind the Jefferson-Wilkesboro Turnpike in the Appalachians, I surveyed and had charge of the mountain

division. The road was 36 miles in length 1/3 distance in rock, cost \$125,000.00, was built by state convict labor at \$1.00 per day board included. These men were largely big negro criminals who were soundly thrashed by the warden at night when they did not do about two men's work all day. The data in detail of the cost and maintenance of this road for a period of five years can be had from the President of the Company, Mr. J. E. Finky, North Wilkesboro, N. C. This item has been quite a considerable cost notwithstanding the heaviest grade is only 5 percent. On the proposed road where the grades run up to 15 percent after heavy rains the subgrade would practically all be to renew (sic) to say nothing of the slides that would be to clean up. The line is through Malpais formation, and I would not care to hazard an opinion at the cost of maintenance under heavy freighting.

Mr. Adams may well have been the only level head regarding the full cost of the road and the difficulties facing the road constructors. However, his idea for driving logs down the Blue was not feasible either and very little of the Blue Ranger timber ever went south by either road or river.

Reconnaissance for the Route

Reconnaissance for the route started in 1909 when Forest Service District Engineer⁵/ E. H. Jones arrived in Clifton where he met Forest Supervisor Guthrie. This reconnaissance recommended the middle route although the northern part beyond Hannagan Meadow contemplated reaching Springerville by way of PS Crossing and Big Lake. Mr. Jones' report, dated July 4, 1909, is full of optimism about the ease of construction and the eventual usefulness of the road.

At the 1926 dedication ceremonies, Mr. Guthrie recalled this first reconnaissance:

One day in the last part of May, seventeen years ago, there started out from Clifton, Arizona, a party of three men. They were headed for Springerville, about 126 miles to the north. They rode over the famous old trail up Chase Creek to Metcalf. The purpose of their trip was to find, if possible, a feasible route for a road over the Blue Range and the White Mountains from Clifton to Springerville. Only one of the three had ever seen the country through which they were to go. The three were District Engineer Jones of the Forest Service office in Albuquerque, Forest Ranger David Rudd of

the Apache National Forest, and the writer, who had been appointed Forest Supervisor of the Apache National Forest just the previous November.

Jones knew nothing of the country, having come into Clifton by train; my knowledge was limited to what I had been able to see from the bottom of the Canyon of the Blue, which wasn't much to worry about. Only David Rudd was familiar with the region through which we were to go. He had accidentally shot himself through the side about a year previously, and not having recovered, it was decided not to take a pack outfit on this trip, but to stop at what ranches or cow camps there might be encountered; we encountered none!

From all possible sources of information about the country and from what maps were then available (and these were few and poor), the most likely route seemed to be to follow the old Mitchell Road out of Metcalf and then to keep on the divide between Blue River and Eagle Creek, to the top of the Blue Range, to go around the head of Black River and the Campbell Blue, and on into Springerville. How to get to the top of the Blue Range, that was to be a problem.

That seeded the route later, but when we started we didn't know just where we'd land, nor where we'd stop for the nights. Dave could not tell for he did not know whether we'd go up Eagle Creek, up the Blue, or up the Divide.

Anyway, we started out, three men, three horses, three saddles, one canteen, and three small lunches. The first night out from Metcalf I well recall. It was somewhere on the south side of Gray's Peak. There was a spring with water cress in it, there were pine trees and pine needles and only Arizona's blue sky overhead for a cover. No bedding, no chuck, except the dried remains of a lunch we had put up at Metcalf. We sure slept out. Somehow we put in the night. I wonder if the new road goes by that spot? The Spanish Captains of Coronado's caravan may have camped in that spot on their way from Mexico to Zuni in May 1540. Who knows? The Captains may have known as little about the country as we did but they did have 600 pack animals and provisions. Our caravan of 1909, 369 years later, certainly was traveling lighter. Their records speak of big pine trees, water cress and fish in the streams, and wild game.

The first camp of ours was Spartan in its simplicity. We just stopped, threw off our saddles, hobbled the horses, built a fire (merely for social purposes) and somehow the night wore away.

The next morning Dave Rudd did something I never saw done before. He had an old-style army canteen, the kind with the laced canvas cover. Dave had some ground coffee along, but there was no pot, no cups, no cooking outfit. There wasn't even an old tin can left by some former camper. Coronado must have left a clean camp and a dead fire. May all his followers over this trail do likewise. Dave's ranger ingenuity came to the front. He rapped off the cover of the canteen, filled it with water, set it upright between two rocks, and built a small fire around it. When boiling well, he lifted it from the fire, poured in a lot of coffee - and after seeping and cooling we took turns at the breakfast coffee urn. The coffee was strong - mucho fuerte, as the local saying is, but it was our lifesaver. That was our breakfast and coffee never tasted more wonderful. Perhaps Coronado's men quenched their thirst in a heavy Spanish wine, but it could not have tasted better than our canteen coffee that May morning in 1909.

I don't think the Engineer cared for the camp nor the coffee particularly, especially since he was wearing on this trip a stiff white collar.

We were simply looking over the country to see if a road were feasible, on not too heavy a grade, and at not too prohibitive a cost, from the copper towns of the south to the cool, green forests to the north with the fish, the water cress, pine trees, and wild life of Coronado's day.

We followed as best we could the divide between the Blue and Eagle drainages, through Pine Flat, circling Gray's Peak and Rose Peak, and struck the rim of the Blue Range, climbing it over a trail that went nowhere but up.

That was the third day out from Clifton. Dave supplied the knowledge of the country that could not be seen, the Engineer (in a collar now not quite so white) took many sights with his level and made many notes, and we climbed to Hannagan Meadow and rested there the third night. The snowdrifts were plentiful and deep. The Engineer still wore his stiff collar, now past all semblance of its former self. There was neither fence nor cabin at Hannagan Meadow (not Hannagan's Meadow). Two deer came out in the Meadow early next morning to feed. A grouse whirred away from the spruce tree under which we slept. There was white frost on the aspen poles around the spring when I went down for a drink. Across our trail down to Black River that morning stalked a flock of wild turkey.

That day we rode to Springerville from Hannagan Meadow, a right nice little ride⁶, via the Slaughter Ranch, Big Lake, and one dark-brown, still a collar, on the neck of the Engineer.

The second route reconnaissance was completed by Engineer H. B. Waha⁷ in May and June 1910. He selected a route that went up Chase Creek and over Grey's Peak much as the present route, but then continued westerly into Eagle Creek, then over to the Burnt Cabin Crossing of the Black River on the San Carlos Reservation, thence by Reservation Ranch on the Fort Apache Reservation, and on to Springerville by way of Big Lake. He apparently staked out the first portion above Metcalf and it is not known if any of this work was used in the final route up the divide. His estimate for constructing this 109-mile route was \$108,300 (Table 1). His characterization of some of the items as "small rockcuts" surely is the height of optimism. It seems the Forest Service did not immediately have funds available to commence the project. By 1913 Greenlee County was champing at the bit to get started. However, they were going to have to wait a little longer.

The third route reconnaissance was prepared by Highway Engineer O. N. Powell⁸ and is dated January 15, 1917. He reported on a trip made October 2-14, 1916, on which he was accompanied by County Engineer S. C. Redd, a member of the Greenlee County Board of Supervisors named W. W. Dutton and Forest Ranger John A. Adams⁹. This reconnaissance chose the route up the divide and seems to have finally settled the question of which way to go, although Dell Potter kept up his assault. The estimate of cost was \$420,000 plus \$9,500 for surveying. These estimates were for the Greenlee County portion from Metcalf to the county line near Beaverhead.

In an Administrative Report accompanying the Reconnaissance Report, Engineer Powell notes the northern terminus of the road would be at Springerville where it would join the Ocean-to-Ocean Highway. This is present-day U.S. 60 which was the first trans-continental motor route. The route is commemorated by one of the Madonna of the Trail statues in front of the Springerville Post Office. Mr. Powell reflected that tourism was picking up with 1,632 cars having gone through Springerville in a period of 12 months.

Table 1
 METCALF - SPRINGERVILLE WAGON ROAD
Approximate Cost of Construction

From	To	Distance Miles	Character	Approx. Cost Per Mile	Total
Metcalf	Garfield	1	Built	0	
Garfield	Metcalf RS	4	Repair old road. Creek bed. Mal- pais formation. Loose Rock.	\$1000	\$ 4000
Metcalf RS	Sheep Wash	15	Small rockcuts. Loose malpais formation.	2000	3000
Sheep Wash	Double Cir- cle Ranch	4	Earth formation	300	1200
Double Cir- cle Ranch	Head of Middle Prong	18	Small rockcuts. Earth & loose rock formation.	1500	27000
Head of Mid- dle Prong	Eagle Creek				
Head of Mid- dle Prong	Black River	5	Earth formation	300	1500
Eagle Creek					
Wooden Bridge		75' span			5000
Black River	Head of Burnt Cor- ral Draw	5	Earth & loose rock formation.	1000	5000
Head of Burnt Corral Draw	Point 6 mi north of Paradise Ranch	17	Earth formation.	800	13600
Point 6 mi north of Paradise Rn	Head of Water Canyon	30	Repair old road. Earth formation.	500	8000
Head of Water Canon	Springer- ville	10	Built	0	0
Culverts and Drainage			Drainage, Ditches and cement culverts		8000
Engineering & Supervision					5000
Metcalf	Springer- ville	109		993.59	\$108,300.00

Approval and Construction

By 1917 the people of Greenlee County still didn't have their road northward. Sometime during this period the County had constructed a road up Chase Creek from Clifton to Metcalf, which was a prerequisite to constructing on northward into the Forest. Before this road was constructed, Metcalf was served by a narrow gage ore railroad and some of the tunnels can still be seen although tailings from the Morenci pit will soon cover them.

On February 5, 1917, Chief Forester Henry S. Graves notified Greenlee County that the Secretary of Agriculture had accepted the County's offer to participate in construction of the road to the Greenlee-Apache County line. The County would pay one-half the cost of survey and construction, and would hold a bond election to raise its share¹⁰. The County would also be responsible for all maintenance in the future. The Forest Service issued the following new release on February 14:

The Secretary of Agriculture has formally approved the Clifton-Springerville Highway Project, according to an announcement made here today by the District Forester.

Survey of the route is expected to begin immediately. The cost will probably be between \$300,000 and \$400,000 and under the plan approved, is to be borne equally by Greenlee County and the Government. The County officials, it is said, are expecting to recommend a bond issue to raise the necessary funds. The Federal funds will accrue from the National Forest receipts, in accordance with Section 8 of the Federal Aid Road Act.

The northern part of the proposed highway lies within Apache County. It is understood that as soon as the Greenlee County section is completed, Apache County will likewise apply for Federal cooperation to connect with the Ocean-to-Ocean Highway at Springerville.

Large bodies of timber and a beautiful mountain area of great value for recreational purposes will be opened up by the new road, according to Forest Officers here. It is expected that the timber will find a ready market in the copper mines, whose supply has heretofore been drawn largely from the Pacific Coast. The road will also enable residents of the hot valleys to build summer homes in the fine summer climate of the White Mountains.

This is the first project to be approved under the new Federal Aid Road Law, according to District Forester Redington (sic). The construction work is expected to take several years. (Emphasis added.)

This cooperative construction project was the first one approved under the Act, and came within about 8 months of its passage. The Act empowered the Secretary of Agriculture to cooperate with states in the development of rural post roads. With this legislation and supporting appropriations, the Forest Service was finally in a position to start work.

The Greenlee County Board of Supervisors executed the cooperative agreement on August 5, 1918, and the Secretary of Agriculture signed on October 31, of that year. However, surveying work had started about April 1917 ahead of the agreement as evidenced by file correspondence relative to hiring local chainmen, cooks, and rodmen, and telegram trying to trace surveying equipment delayed in shipment.

There followed the usual delays in completing surveys, designing the road, and preparing construction estimates; with Greenlee County eager to get on with it. Mr. Potter was active all the while. There is a 10-page letter dated September 21, 1918, from District Forest Paul G. Reddington to the Chief Forester reporting in detail on allegations in telegrams from Mr. Potter, and then on October 17 there followed another one of six pages.

Finally in 1919 all was ready. The County was to construct the road to Station 1759, a distance of 33.32 miles and the Forest Service share was to be 44.29 miles¹¹. The exact contract date is not known but present records show the County completed 33.460 miles to a 10-foot wide standard by 1921. However, as late as January 7, 1919, the District Forester wrote the Bureau of Public Roads in Denver a sharply worded letter asking when the plans would be ready.

The construction by Greenlee County was completed by December 1, 1921, but on inspection, brush and campsite cleanup was found to be unsatisfactory. On January 31, 1922, the contractors, Webster Brothers Contracting Company, certified they had finished those jobs although it was July 15 before it was satisfactory to the Ranger (Figures 2 and 3).

On February 1922, bids were opened for the next portion of 31.18 miles beyond the County job. The County had completed its obligation under the cooperative agreement and it was now time for the Forest Service to start cooperating.

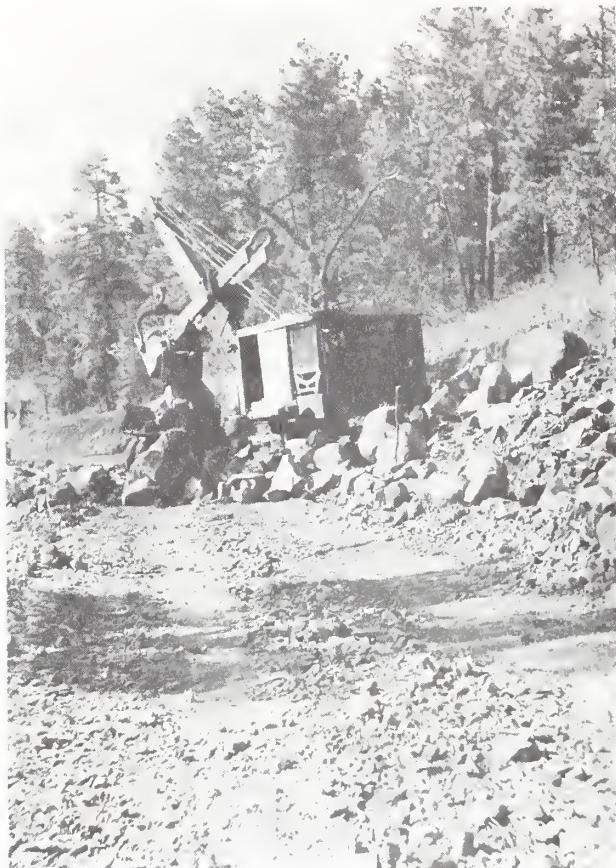


Figure 2. Road Construction.



Figure 3. Road construction north of Rose Peak.

Low bid was for \$215,848.48 and the contractor was Cotev and Black. This project would complete the road as far as Hannagan Meadow above the Mogollon Rim.

On July 24, 1924, the Resident Engineer, H. L. Cooper, informed Forest Supervisor James H. Sizer, that the job was complete. This must have been an important event in itself because it apparently was possible to get to Hannagan from the north by way of Beaver Creek, so through travel became possible (Figure 4). However, completion of the planned through road was another two years away. Official records show construction dates for this second portion as April 5, 1922 to November 30, 1924.

Concurrently, negotiations were carried out with Apache County--which adjoins Greenlee on the north--for a cooperative agreement that would obligate it to participate in construction and to maintain the portion in that County. The route had changed from a terminus at the Boneyard^{12/} so that it now ended in the small community of Alpine where the road would connect with an existing county road^{13/}. This agreement was signed on October 31, 1918, and involved the construction of 7.57 miles which was completed during the period August 23, 1923 to October 10, 1924, at a cost of about \$52,500.

There remained after the above project an all-important gap of 17.610 miles north from Hannagan Meadow to the County line. This was constructed during the period from November 6, 1924 to July 15, 1926, for a cost of \$103,600, and culminated in the famous road dedication celebration at Hannagan.

Dedication

In the summer of 1926, the dream had at last come true. The road was complete and it opened with great fanfare. Starting June 25, a 3-day celebration was held at Hannagan Meadow. The occasion was duly authorized by a special-use permit issued by the Forest Supervisor. A wooden dance floor was laid down and a band imported. The Forest Service furnished tentage and housed Governors W. P. Hunt^{14/} and Hannett in the old Hannagan Ranger Station (Figure 5). John D. Guthrie from the Washington Office made a speech and unveiled a plaque which is still at Hannagan. The words of the two Governors are lost but the speech given by Mr. Guthrie is found in Forest Service files. In part, he said:

It has taken seventeen years to build that road. Governments move slowly and cautiously. That looking over the country



Figure 4. Station 400.



Figure 5. Old Hannagan Ranger Station.

for a road in May 1909 was the very beginning of the Clifton-Springerville Road. Coronado went over it, but he was looking for gold and treasure, not for roads.

His historian, Castaneda, did set down what are destined to become treasures of the region, perhaps as valuable as the mythical gold Coronado sought, the tall pine trees, the fish, the water cress, the wild flowers, and the wild game.

Now people will again come up over this route from the south, as Coronado and his Captains came, seeking something. I wonder if the Spaniard put out his camp fire, if he left camps clean. With 600 pack animals and 1,000 men, he must have had many camp fires gleaming in the pines along the route from the "Red House" to Zuni. Being a soldier, I suspect he had order in his camps, I suspect he left his camp fires safe; he must have left some fish, some game, some water cress, and the oak, pine, and spruce trees, for they are still to be found along his old trail.

There are many people who remember the occasion and they recall it as quite a party. While ostensibly under the aegis of the "Clifton-Springerville Highway Celebration Committee of Clifton, Peter Riley^{15/}, Chairman," the Forest Service seems to have shepherded the whole celebration. Ranger David S. Marks even arranged for the cleanup afterward paying for it with money deposited for the purpose by the special-use permittee. He hired seven local men^{16/}, mostly nearby ranchers, to do the work.

Elsie Hamblin of Springerville remembers the occasion and says:

I was a young chick of about 16 and my sister and I went with my uncle. We took a tent and it took just about all day to drive from Springerville to Hannagan Meadow (50 miles). The dance went on all the time. When we got tired we would sleep awhile and then get up and dance some more.

Down through the years, Elsie and her sister Chloe have never tired of dancing.

Road Maintenance

The Cooperative Agreement had obligated Greenlee County to continuing road maintenance. By 1925, the County was feeling the pinch of the maintenance. After a period of negotiation, it was

agreed the Federal Government would assume full maintenance responsibility for a two-year period beginning July 1, 1926, after which it would again revert to the County. Accordingly, the Cooperative Agreement was so amended by the Secretary of Agriculture. The Government also agreed to maintain the Apache County portion.

The file is silent on the reasons behind choosing a two-year period, but one might conjecture it was a grace period to get the State of Arizona to take it into the State Highway system and assume maintenance responsibility. This is not altogether certain because there were additional attempts in 1927 and 1928 to have the Government continue maintenance beyond June 30, 1928. However, in May 1928 the Highway Commission agreed to take the road, the Forest Service hastily concurred, and the Commission assumed the maintenance of the Greenlee County section almost immediately. It was designated Arizona Highway 81 and didn't become U.S. 666 until the late 1930's after the "Canada to Mexico Highway Association" urged that the U.S. 666 designation, which then must have ended at Cortez, Colorado, be extended south through Gallup, Springer-ville, and to the Mexican border via the Coronado Trail and Safford. Having a border-to-border Federal highway number was intended to add some weight in fund allocations and to induce tourism.

The Coronado Trail formally opened in 1926, and that remains the most important date in the history of the road. Greenlee County began improving its portion even before the rest of it was open. In subsequent years, and right up to the present, there have been realignments, paving, and widening that put several million dollars more into the route than the original \$800,000 cost. In the 1930's, the State moved the road from the east to the west side of Rose Peak. Dell Potter never resigned himself to losing out on his favorite route but he was last heard from in the fall of 1930 when he engineered a resolution through the Clifton Chamber of Commerce. The resolution, stripped of the whereases, stated the County had been forced into the cooperative construction and the resulting road was of too low a standard to be very useful, and that pressure should be brought to have it upgraded. The Chamber of Commerce and County soon disavowed the resolution.

The Road Today

The Coronado Trail never lived up to its original expectations. Too low a standard for the high speed desires of today's traveler

and too crooked for trucks and trailers, it never achieved a heavy volume of traffic. Even today, with paving and extensive improvement, much of it cannot be driven faster than 25 miles an hour.

An attempt was made to make the Hannagan celebration an annual event. In 1927, a special-use permit was issued to the Second Annual Arizona Picnic Committee with Peter Riley again acting as chairman. The events were expanded to include a rodeo at Horse Cienega (probably Horseshoe Cienega) and the dance concessioner optimistically wanted to install a concrete dance floor.

This "picnic" took place June 18 and 19, 1927, and was the last one they tried. The State Board of Health took a hand, and in early 1928, they strongly protested the sanitary conditions. Miss Jane H. Rider of that department had visited the site following the 1927 celebration and reported her not too surprising findings of unsanitary conditions left by what she reported as several thousand people.

The plans to haul a billion board feet of timber from the Black and Blue River headwaters to Clifton never materialized, it was hauled north to sawmills at Eagar and McNary.

Today the Coronado Trail is undergoing a transformation. The Phelps-Dodge Company tailings dump is slowly filling the Chase Creek Canyon, and in the process covering the old Metcalf town-site. Because of this the Arizona Highway Department has started relocating the road to go up the San Francisco River where it will climb to Pat Mesa and come around to rejoin the present route at Four Bar Mesa. The switchbacks out of Chase Creek above Coronado Spring, and the crooked alignment over Greys Peak will be bypassed and the road will have lost some of its historical charm. Del M. Potter would feel vindicated. The road mostly belongs to the hardy visitor looking for something different. Above the Rim, the fall aspen colors are famous along the route and the view from Blue Point on the edge of the Mogollon Rim is one of the most spectacular in Arizona. In the late 1960's, the Arizona Highway Department had a study made for the purpose of designating the Coronado Trail a scenic parkway.

Improvements and rerouting will continue and at some future time the winding old Coronado Trail may surrender to the villain named progress.

Footnotes

- 1/ This 80 leagues is between what Castaneda called "Red House" near Solomon, Arizona on the Gila River and Zuni. Eighty leagues would be 240 miles.
- 2/ The name Blue Range is today seldom applied to these topographic features. It is most often known as the Mogollon Rim which is the south edge of the Colorado Plateau. From the south, this escarpment appeared to be a massive mountain range. The name is now applied to the nearby Blue Ridge Primitive Area.
- 3/ Apparently, a title somewhat like "timber sale officer," Mr. Adams was later Supervisor of the Arkansas National Forest.
- 4/ A reference to the reconnaissance by E. H. Jones dated July 4, 1909.
- 5/ i.e., Regional Engineer.
- 6/ A distance of about 45 miles over fairly easy country, but still "a right nice little ride." Ed Slade of Springerville, when a young man, used to work summers on Reno Lookout west of Hannagan and once rode the whole distance instead of staying as planned at the homestead of a bachelor in Beaver Creek. Ed says he took one look at the housekeeping and decided to go on to Hannagan for the night. He had two horses which he alternated between riding and packing, but one--a young horse--almost had to be dragged the last few miles.
- 7/ Howard B. Waha retired as Southwestern Regional Engineer in April, 1952.
- 8/ Of the Bureau of Public Roads, which at that time was an agency of the Department of Agriculture.
- 9/ Later Forest Supervisor of the Manzano (Cibola) National Forest and father of retired Regional Engineer John Adams, Southeastern Region.
- 10/ The Board of Supervisors passed a resolution on April 3, 1917, to hold a bond election on May 19, 1917. The election called for issuing bonds in the amount of \$200,000 and passed overwhelmingly with 335 votes out of 372 in favor.
- 11/ Final "as built" mileage was apparently 84.26 miles because of an alignment change.

- 12/ The Boneyard Ranch, now known as Sierra Blanca, was located west of Alpine on the Williams Valley Road. The name apparently stems from the bones left from numerous cattle that died at the site during a hard winter.
- 13/ Now U.S. 180 between Silver City, New Mexico, and Springerville, Arizona.
- 14/ Governor "Wobbly" P. Hunt was a long-time governor of Arizona. His constituents affectionately provided the nickname from his apparent proclivity for the hard stuff and kept reelecting him. Hanner was Governor of neighboring New Mexico.
- 15/ Mr. Rilev was long-time supporter of the road and a very active civic booster. He was mayor of Clifton and later State Senator from Greenlee County. He was also a principal in the White Mountain Lumber Company scheme to drive logs down the Blue River.
- 16/ F.O. Howell, S. F. Jones, and J. H. Jones of Blue; Norman A. Josh of Espero (old P.O. at Sprucedale Ranch); D. D. Maness and Ellis Moore, c/o Eagle Mail, Clifton; and G. H. Thompson of Nutrioso. These seven men drew \$66.50 for 21 man-days work and use of a team for four days in preparation for the event.

THE FAT WAS IN THE FIRE

First Court Test of
Regulation T-12

Introduction

While stationed on the Apache National Forest, I came across an old case file in the Forest's historical records that awakened my curiosity. Jess Fears, an oldtime Forest Ranger, had told me the story 10 years earlier. He had also put it on tape for Ed Tucker¹/ and the transcript of the recorded interview makes good reading. The story that unfolded revealed an interesting bit of Forest Service history. I have pulled it together into this brief history of the first court test of the regulation of the Secretary of Agriculture governing impounding of trespassing livestock-- Regulation T-12.

This case had more far-reaching implications than upholding a Federal trespass regulation. A newspaper editorial of the time put it this way: "Shall the people of Arizona be subject to the laws of Arizona or to the dictates of bureaucrats?" Without the rhetoric, the test boiled down to one of whether State or Federal Laws would apply in the administration of Federal lands. Local officials planned a clever strategy aimed at establishing State jurisdiction. They could have made history.

Ranger Jess T. Fears

The story is also a tribute to an early Forest Ranger who must have endured much for the Forest Service. Jesse T. Fears (Figure 1) was Greer District Ranger at the old^{2/} Riverside Ranger Station (Figure 2) in 1927 where the action really began. He had been assigned to the District on July 15, 1922, at a salary of \$1,220 a year. On July 1, 1926, he advanced to Senior Forest Ranger and stayed at Greer until August 1, 1928, just after this story ends. Jess started his Forest Service career at the Honeymoon Station on the old Eagle Creek District which is now part of the Clifton District, Apache National Forest. Shortly thereafter, he went as assistant to the Nutrioso District which is now part of the Alpine District. These earlier assignments must have been temporary or seasonal because Jess took his oath of office on July 1, 1922, when he was 33 years of age, and just 15 days before going to Greer. A "personal statement sheet" executed at that time shows him as having completed 3 months work for the Department of Agriculture as a vocational trainee.

Jess spent, except for a few months in beginning assignments, his entire Forest Service career as a District Forest Ranger in Arizona. Transfers took him to the Walnut Creek and Skull Valley^{3/} Districts on the Prescott (1928 to 1936), to the North Globe Ranger District when it was part of the Crook National Forest (1936 to 1943), the Payson Ranger District on the Tonto National Forest (1943 to 1948), and finally to the Mazatzal District on the Tonto where he retired May 31, 1951. His retirement home was in the mountain community of Payson, where he lived until his death in 1969.

Books should be written about men like Jesse Fears. The incident related in this story covers a small part of his career as a Forest Ranger, so his adventures before joining the Forest Service can only be related very briefly. He typified a kind of individual no longer found in the Forest Service. Jim Monihan, retired Cibola National Forest Supervisor, had this to say:

"In the spring of 1926, I was assigned to the Greer Ranger District on the Apache National Forest, as Assistant Ranger to Jess T. Fears. I reported to the Supervisor, Kenner Kartchner, at Springerville. Kenner called me into his office and gave me a briefing on Fears. He told me that Jesse was an old-time, bronco-bustin' cowboy; that he was a hard worker and was hard for a college boy to get along with. He told me that I'd have to watch my p's and q's and to get



Figure 1. Jesse T. Fears, Greer, Arizona, 1927.



Figure 2. Riverside Ranger Station, May 1924.

along with Jesse the best I could; that he was a taskmaster and if he could run a college boy off the Forest, he'd do it."

"Well, being a city boy, comin' from Pennsylvania, I had never been on a horse. Fears had come down from Greer horseback and leadin' another horse. It was 18 miles or so from Springerville to Greer, the old Greer Ranger Station. Along in the middle of the afternoon Jesse and I got on the horses; I don't know how I got on because I'd never been on one before. But I did, and we started to Greer, Jesse on one horse and me following on another, and not knowing how or what to do. But the irony of it was Jesse's wife, Ruth, was also in town that day in their Dodge roadster, and she rode back along, and I could have gone with her instead of ridin' a horse that 20 miles."

Recalling this incident his wife, Ruth, remarked with good humor to the author, that Jess was ornery about some thinas. The event does tell a lot about the man.

Jess was born in Milford, Texas, on December 28, 1888, and was orphaned quite young. He worked his early years as a cowpuncher and broncbuster. In Texas, he worked for the famous XIT outfit and others before coming to Arizona in 1903 with a trail outfit. In Arizona, he worked for the Greene Cattle Company, the Chiricahua (known colloquially as the Cherry Cows), the Hopin Land and Cattle Company, the Hart Cattle Company, and for the Hashknife⁴.

While working for the Chiricahua outfit, he was characterized by author and photographer Dane Coolidge in his book, Texas Cowboy, as the best broncbuster in the business. Jess rode the rough string for the "Cherry Cows" and appears in several of the photos in the book.

In 1915, Jesse went to Alaska to prospect and managed to visit Siberia on the trip. Everything he did seemed to end up in high adventure. Ruth Fears still has a pocket watch given to Jess by fellow passengers on the steamer "Bear" to commemorate an almost superhuman feat. Jess was with a large party coming down the Iditarot River, a fork of the Yukon. It was late fall and they needed to reach the Bear before its sailing date or they would be stuck for the winter. The weather turned bad and the party was iced in 80 miles from their destination. Undaunted, Jess took off afoot accompanied by a Chinaman. Receiving mukluks and other aid from the Eskimos, Jess made it to the Bear on time. The Chinaman played out somewhere along the way.

Jess enlisted in the Army on March 3, 1918, and was discharged February 6, 1919. He accomplished his World War I service in the same spectacular way he did everything. Assigned to the 23rd Infantry at Fort Riley, Kansas, he served in France where he received a shrapnel wound in the left arm. For wiping out German machine gun positions, he was awarded the Croix de Guerre with a gold star by Marshal Henri Philippe Petain, and the American Distinguished Service Medal.

Sometime, prior to joining the Forest Service, he took an appointment at a leper colony in the Philippines; but the jungle and the job were not to his liking and he came home when his contract was up.

His education was probably sporadic. He completed 3½ years of high school while staying with an aunt, Mrs. J. D. Mackoy, at Waxahachie, Texas, a town south of Dallas. After discharge from the Army, he took bookkeeping courses for four months at Lamson Business College in Phoenix, Arizona, and three months at Oakland Business College in California.

He was a personal friend of cartoonist J. R. "Jim" Williams who produced Out Our Way, Out Wickenburg Way, and Born 30 Years Too Soon; and was the Forest Service Ranger depicted in some of the cartoons. Two of the originals, entitled "Heroes are Made - Not Born" and "The Frying Pan and The Fire" are displayed in the Fears' living room. Jim Williams came to Jess' retirement party in Payson.

Jess stayed in Payson after retirement, living in a white house on the main street of town. He continued to ride in local roundups well into his seventies. He passed away December 14, 1969, at the age of 80. His widow, Ruth Murray, a native of Springerville, Arizona, still lives there.

The Slosser Case

Paul H. Roberts has written knowledgeably and from first-hand experience about the early Forest Service battles to gain control of livestock on the National Forests. In his book, "Hoof Prints on Forest Ranges^{5/}," he wrote of the case of Pinedale District Ranger Dolph Slosser in Justice Court at Taylor, Arizona. This was another precedent setting case involving a Secretary's closing order that took place in 1930 and 1931. Paul Roberts was Forest Supervisor at the time so he undoubtedly felt a personal involvement in so important an issue, and had direct knowledge.

The court cases in which Ranger Fears was involved took place in 1927 and 1928, and so preceded the Slosser case. Jess felt some slight resentment that his earlier tribulations weren't as well recognized as the Slosser case. "Judge" E. S. French, who was Forest Service Counsel for both cases, later told Jess that his was the most important case he had handled while Regional Law Officer^{6/}, so perhaps Attorney French recognized its importance, even though others didn't.

Actually both cases were important to the Forest Service. The Fears case established the validity of Regulation T-12, and especially the paramount right of the Forest Service to impound and dispose of livestock under such a Secretary's regulation even when in possible conflict with State law.

The Slosser case, on the other hand, was a test of a Secretary's closing order which allowed the shooting of horses on the range without impoundment. This procedure is seldom used today, the last such order being issued on the Carson National Forest for the Jicarilla District in about 1963. It is doubtful it will ever be used again.

At the time of the Slosser case the closing order was the only practical way of ridding the badly overgrazed ranges of these animals. Paul Roberts report that 1,000 horses were killed on the Sitgreaves and 4,000 on the Coconino shows the scope of the problem.

Pinedale District Ranger D. E. "Dolph" Slosser had been shooting wild horses under a closing order signed November 7, 1929, by Acting Secretary of Agriculture R. W. Dunlap. In an effort to prevent Forest Officers from carrying out the closing order procedures, criminal charges were brought against Ranger Slosser and his assistant--or Forest guard--Bill Porter^{7/} for willfully, unlawfully, and maliciously killing horses. The charges were

filed by County Attorney C. D. McCauley and Sheriff L. D. Divelbess of Navajo County, Arizona. The sheriff was a reluctant complainant according to Roberts' narrative in the Ed Tucker interviews. A preliminary hearing was held in Justice Court at Taylor, Arizona, with the defendants being bound over to Navajo County Superior Court for trial.

Before that trial could take place, the United States moved in Federal District Court in Prescott for an injunction to enjoin the County officials from interfering with Forest Officers in carrying out the closing order. Federal District Judge F. C. Jacobs, involved also in the earlier Fears; case, handed down a decision, on April 9, 1931, upholding the closing order procedure and directed that a perpetual injunction be granted against the County officials. The injunction, which was also issued April 9, 1931, is presumably still in force, although the closing order expired June 30, 1931.

In his decision, Judge Jacobs found that the closing order had been regularly made, issued and published according to law; that it was a legal and valid order insofar as it applied to wild horses of unknown ownership and that the United States should be granted a perpetual injunction as without it the County officers would continue to attempt to arrest and prosecute the Forest Officers.

Apparently this case just about ended any further questions on the validity of Secretaries' closing orders. Paul Roberts said he didn't think there was ever much trouble after that (see note 1).

Background to the Fears Case

In 1927 Southern Apache County was hard core State's Rights country. Peopled mainly by Mormons sent down from Utah in the late 1870's, it is still proud of its pioneer heritage and still doesn't care much for "the dictates of Federal bureaucrats".

The Apache National Forest had been established on July 1, 1908, out of part of the huge Black Mesa Forest Reserve which had been set aside in 1898, before there was a Forest Service. By 1927 boundary fencing was not complete and what fencing there was often got cut because it tended to interfere with the natural drift of livestock to and from the high country.

Arizona State stock trespass statutes required a land owner to fence his property against livestock belonging to another. The Forest Service held to the position that it had the right to abate trespass without fencing. The country was overrun with horses when Jess was assigned to the Greer District in 1922 (Figure 3). At first he didn't use the T-12 procedures but attempted to round them up and throw the horses out on the public domain north of his ranger district. Apparently there wasn't much forage there except loco weed and being poisonous took care of a lot of livestock. In the Ed Tucker interview, Jess mentions helping the Alpine Ranger gather and impound 800 head of horses on Campbell Blue Creek, and then gathering another 2,600 head on the Greer District.

Regulation T-12 had probably been lightly used up to this time. It is not certain when it was first issued, but Stanley F. Wilson (see note 1) says it was used first ever in the Forest Service on the Canjilon District of the Carson National Forest in 1925 when he was Forest Supervisor. His recollection is that 1,200 horses were rounded up at that time.

Prelude

Jess' earlier activities in controlling livestock must have caused some heated local feelings. Because of his insistence on counting stock onto the Forest, petitions were circulated seeking his removal. Senator Ralph H. Cameron, of Arizona, wrote the following to Colonel W. B. Greeley, Chief of the Forest Service:

My dear Colonel:

It has been brought to my attention that certain recommendations have been made with a view of transferring Mr. Jess T. Fears from the Riverside Ranger Station at Greer, Arizona. I am informed by some very substantial citizens that this is ill-advised and little credence should be put in the view of those who desire this to be accomplished. I know



Figure 3. Horse roundup on the Apache National Forest, 1929.

nothing further about the situation, but in view of the information I have, I request that before this is done, every consideration be shown with the present status. An expression will be appreciated.

Sincerely yours,

Ralph H. Cameron

The "substantial citizens" referred to above may have been the Beckers^{8/}. The Forest Service response was an expression of full backing from his supervisor and the District Forester^{9/}. The report to Washington in response to Senator Cameron's inquiry stated:

"Briefly, the situation on the Greer District of the Apache National Forest, to which Ranger Jesse T. Fears is assigned, is as follows: Following out District policy of getting an exact record of all stock on National Forest range, Ranger Fears has been active in a strict observance of counting stock entering his district due to a summer and winter range proposition, together with adequate fencing, which permits such a count to be made. Certain permittees, dissatisfied with this method of keeping close track of stock, cut the fence and as a result considerable stock drifted in without counts being made. By strenuous efforts and with very little assistance, Ranger Fears promptly threw all this stock outside the boundaries and after making fence repairs, insisted on the counts being made. By this commendable and firm action, Fears has antagonized a certain element which, we understand unofficially, is circulating petitions looking to his removal."

Jess' own words covering this event are much more descriptive:

"Jim Monighan was my assistant and we had what we called the White Mountain drift fence, and no cattle were supposed to go beyond there before the first of May. I had sent Jim up there to ride that fence. I saw him comin' off the hill, his horse all in a lather. 'My God,' he says, 'all the fences are cut down.' Well, they had cut about a hundred yards where these stock could move through in three places, and had taken all the gates out and they had rolled up this wire and hauled it off some place. These cattle and horses were

through on the summer range so that I couldn't count them, you see. I called the Supervisor and told him what had happened, and I asked him to call a Stock Association meeting; that I wanted to come down and talk to them. I told them what had happened and I said, 'I suspect one party of doing that, but I haven't got any proof, but I suspect this one party. But, 'I said, 'you people can move those cows and horses--they are thin at this time of the year, the cattle are--easier than I can. And if you don't move 'em, I will.' And they promised me they would.

Well, I got Roy Swapp and his assistant and his brother and I had Monighan and, I think, another fellow, and we gathered about 800 head of horses and put 'em back, and we fixed the fence up. Loveridge¹⁰ came along about that time and he authorized me if I could find a man that I could depend on, when I got the fence fixed up, to hire him to ride it, to put him on and keep him on there until the first of May. And I did. I happened to have the right man; they knew they didn't dare fool with him. I think there were 1,500 or 1,600 head of cattle on the summer range, and I gathered them. It wasn't easy, but when we got through gathering them these men from the Association showed up there to help me. They figured the stock would be scattered all over the mountain, you see. I knew they weren't scattered and that the time to get 'em was right then. And I did."

This was in the spring of 1926 and Jess was not yet trying out impoundment.

Critical Decision

Finally, in 1927, Jess took the big step. Borrowing a holding pasture from the Cross Bar Cattle Company, now partly owned by movie actor John Wayne, he gathered a big bunch of horses and sent out impoundment notices to the owners. By prior agreement among the horse owners, only a few of the better horses were reclaimed and later at the public sale there were no buyers. At this point Ranger Fears was down to a last resort situation. Original Regulation T-12 read in part:

"If the stock be not redeemed on or before the date fixed for its sale, it shall be sold at public sale to the highest bidder, or otherwise disposed of . . . Any stock impounded

under this regulation which is offered at public sale and no bid received therefore, may, in the discretion of the Forest Officer, be sold at private sale or be condemned and destroyed."^{11/}

Jess proceeded to dispose of the livestock and 40 years later he described the situation:

"When nobody would bid on them, I said, well, I'll just keep 'em and see what I can do with them. I turned 'em back out, but I had a man in charge of the pasture. So when things quieted down, I got a permittee and I got a fellow^{12/} that was working for me, and we went up there and rounded 'em up and we shot 'em until our shoulders were so damned sore we couldn't hold a gun. We killed 52 head of 'em. We left the best looking ones out there. Well it was a month or two before they discovered those dead horses, and then the fat was in the fire!"

According to the complaint filed later, this action must have taken place on July 1, 1927. The holding pasture east of Greer has been known ever since as the "Skullduggery Pasture." Few people remember the origin of the name, certainly not the young Forest Officers who pen the locale onto their range allotment maps (Figure 4). The area was also known for a while as Smith and Wesson Point, but the name didn't last.

Legal Strategies

When word of the horse shooting finally got out, many of the local stockmen and county officials were incensed. A strategy was hatched to bring about a showdown with the Forest Service. Willie Wahl, a friend of Jess', accidentally overheard a conspiratorial meeting in the courthouse where the local officials settled the details of how due process of law was to work in Apache County. On the complaint of Constable Conner Trammell, of Springerville, Ranger Fears would be arrested and charged with shooting a horse, owned by Mr. Trammell, and then fined one dollar.

The case would be pushed by Attorney Isaac Barth^{13/} of St. Johns who would be appointed a special prosecutor. Jess reported Mr. Barth agreed to handle the case for \$300 which was apparently raised by subscription. Through the ploy of charging him with shooting only one horse and the light \$1.00 fine, it was thought the United States would not fight it through an appeal, and a precedent for State control of livestock on Federal lands would be set by default.

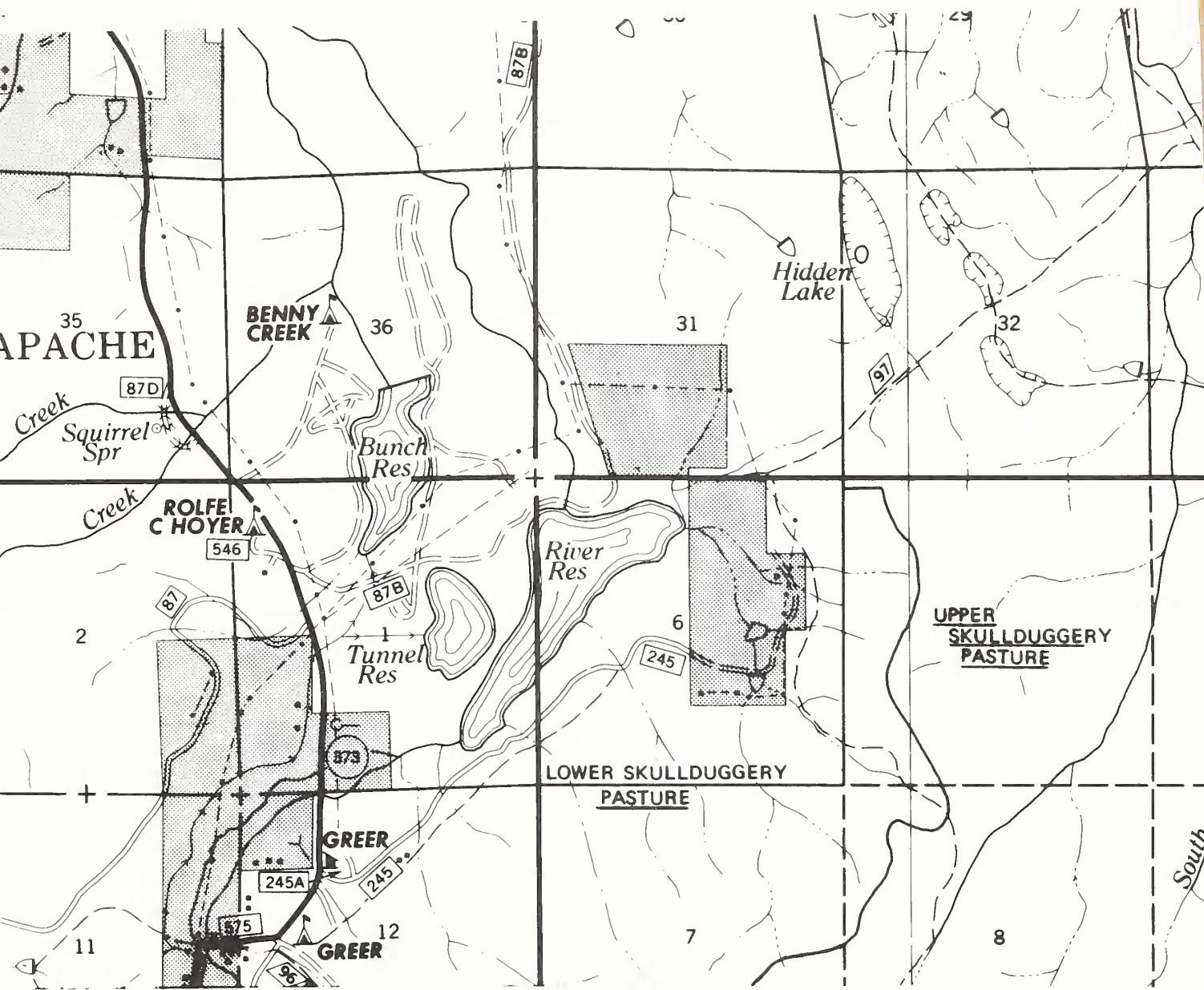


Figure 4. Location of Lower Skullduggery Pasture near Greer, Arizona.

The Forest Service didn't take the bait on this rather clever move. Jess sent word to Sheriff Maxwell that when they were ready to arrest him there was no need for the sheriff to come to Greer, that he would go to St. Johns. Accordingly, on September 23, 1927, he went down to St. Johns where all on the same day County Attorney Levi S. Udall^{14/} filed a criminal information for maliciously killing an animal (a misdemeanor), a warrant was issued by Court Clerk Eugene C. Naeqle, and served on Jess by Sheriff Maxwell. To make the day complete the arraignment before Superior Court Judge A. S. Gibbons followed. The defendant was represented by Assistant U. S. Attorney Guy Axline^{15/} and "Judge" French, Regional Law Officer from Albuquerque. The State was represented by County Attorney Udall with Isaac Barth entering the picture as associate counsel.

The Government attorneys argued for dismissal for lack of jurisdiction, which was denied. A motion to quash was denied, and another move to dismiss was denied. The defendant waved a jury trial. Here again Jess' own words are interesting:

"Well, they didn't do anything. The judge said he felt this was a more serious case than most people thought, and he wanted them to submit briefs. The judge asked them how long a time they wanted to submit the briefs, and French said 24 hours. Old Ike Barth, he wanted 60 days. They argued back and forth and back and forth, and finally the judge gave 'em 10 days, that is, he gave us 10 days to file our brief, and Barth 10 days to answer that brief, and us another 10 days to answer his brief. Well, French submitted the Government's brief within 24 hours because he had it all prepared."

At the end of the hearing, the Ranger was released on his own recognizance.

The next round again took place in court in St. Johns on November 7, 1927, when the case was reconvened to hear oral arguments on the points of law submitted in the briefs. The Government again argued for dismissal and denied that the court had jurisdiction. The court recessed with Judge Gibbons taking the matter under advisement. Here again we turn to Jess' own words:

"He had the decision already written up, because he said there would be a few minutes recess, and we didn't get out of the courtroom until he called us back. He had it already typed up, and he read it."

The judge found that, although, there was a serious question on the element of malice necessary under State law, still the T-12 order was so manifestly contrary to the spirit of the Constitution that he couldn't justify acquitting the defendant. Sort of like saying, "He's not guilty but I'm going to find him guilty anyway." Or like the old joke about giving a man a fair trial before proceeding with the hanging. Later the Arizona Supreme Court was to comment on Judge Gibbons decision. This interesting decision is reproduced here in full.

OPINION AND JUDGMENT

"The court has given consideration to the issues and had heretofore indicated his views touching the validity of the Departmental order T-12. The court wishes at this time to formally restate his ruling on the question of the validity of said order and reiterates his former holding that in the opinion of this court the order is arbitrary and is not justified by the general statute of Congress empowering and directing the Secretary of Agriculture to make rules and regulations governing the forest reserves. It is the understanding of the court that these rules and regulations are proper insofar only as they conform to law. It is the view of the court that there exists both in the laws of the United States and the laws of the State of Arizona ample provisions for the protection of the forest reserves under the control of the Secretary of Agriculture and that it is the view of the court that the provision set out in Regulation T-12 is an effort on the part of the Department of Agriculture to shorten the method of securing relief against trespassing animals. That it appears to the court that the order is in contravention to the Constitution of the United States which provides that private property shall not be destroyed or misused or taken unless by due process of law. Hence the holding of the court that the order is unconstitutional and without any basis or foundation in law."

"Coming now to the question of the guilt of the defendant under the information filed by the county attorney in this case. The information is based on Section 602 of the Penal Code of the State of Arizona and charges the malicious killing of a certain animal alleging the same to be the property of one Conner Trammell. The question of the malice involved in this case has been the serious question in the mind of the court and the court finds a division of authority on the question of that degree of malice that must be shown

in order to warrant a conviction. The defendant in this case through his counsel has stipulated to certain facts, among which he has stipulated to the fact that he did kill the animal in question, but he pleads in justification the heretofore mentioned order T-12. It is the view of the court that the order in question is so manifestly contrary to the spirit of the Constitution of both the United States and of the State of Arizona and so manifestly contrary to the spirit of the law of this country of ours and its institutions and ideals that the court cannot find justification for acquitting this defendant on the ground of the order in question. The defendant is a highly intelligent man, has long been in the service of the United States as a forest ranger, is a man of recognized ability, and a man of keen insight. The court, however, must take into consideration all the mitigating circumstances connected with this hearing, and so the order and finding, of the court is that the defendant is guilty as charged, and he is sentenced to pay one dollar as a fine and the court will not impose any jail sentence. There is no alternative to the payment of the fine. Execution stayed 20 days (illegible) allowed to file written notice of appeal."

What of the \$1.00 fine? Jess says Mr. French refused to let him pay it, whereupon Judge Gibbons ordered the sheriff to levy upon any of Jess' property available. Probably something in the way of personal bonds were worked out because he said after the Supreme Court heard the case, it took over a year, and then only after a demand, to get his bondsmen released.

Appeal

Notice of Appeal to the Arizona Supreme Court was filed on November 22, 1927. Judge Gibbons issued a Certificate of Probable Cause on November 23, 1927, in which he noted there appeared to be reasonable ground for appeal.

Following the November 7, 1927, trial, the United States immediately moved in Federal District Court for an injunction. Or more accurately, Mr. French decided an injunction should be obtained right away and there followed a mad overnight dash to Tucson where the Federal District Court¹⁶ was sitting, with Jess driving an open touring car and Mr. French trying to get some sleep in the rear seat. There were no paved roads, and it must have been some trip. On one particularly bad jolting stop, Mr. French was jolted awake

with the idea they had been waylaid by bandits. The outcome of this dash can only be surmised from sketchy records and poorly remembered conversations with Fears. The temporary injunction was not issued until two months later on January 12, 1928, following a hearing before a 3-judge panel in Los Angeles. Apparently the Federal District Judge, F. C. Jacobs, wanted collaboration in the decision because of the importance of the issue and arranged for himself and two other Federal jurists¹⁷ to sit en banc on the case. Jess had this to say:

"Well, then they (the Government attorneys) enjoined the county attorney and his deputies and successors; the sheriff and his deputies; the Governor and his successors, and the Attorney General and his assistants and successors. That's what they filed, and it went to Federal Court before three judges sitting en banc in Los Angeles. When we went over there the Attorney General was drunk. He got up and tried to tell that we had no business in Federal Court with a case like that. One of those old judges--they were all old enough to die--he got up and jabbed his walking stick down and he stood straight up, and he said, 'Do you mean to try to tell this Court that the Federal Government doesn't have any right in its own court in the protection of its own property? Is that what you're trying to tell me?' He didn't say anything to that."

"Well, then the judge that was to write up the decision died. So the next time it was in San Francisco. That judge didn't die. He wrote up a decision and gave them what they asked for--the Government."

Jess' memory may have been a little faulty on this although he did have to make two trips to California. The injunction was issued by a panel in Los Angeles so the first try must have been in San Francisco during the blank two month period. In granting the injunction, the Court found the complainant (the United States) was entitled to relief. The county attorney and sheriff were enjoined and restrained from interfering with the complainant in enforcement of Regulation T-12, and from enforcing or threatening to enforce section 602 of the Penal Code of the State of Arizona so far as it concerns Regulation T-12 on lands of the Apache National Forest.

Both sides had submitted long briefs in support of their arguments. That of the United States ran to 36 pages, the other side used 27

pages. The Government argued for the right to an injunction to prevent State officer from interfering with Federal officer, that Arizona stock laws were not a remedy, that the Forest Service had the right to abate a nuisance, and finally, the validity of a Secretary's Regulation was argued at great length.

The final act occurred on March 19, 1928, when the Supreme Court of the State of Arizona reversed the lower court. This court held that the constitutionality of Regulation T-12 had not been passed on, and must, therefore, be assumed valid and having the force of law pending such a contest. Therefore, the element of malice needed for conviction under the State trespass law was lacking for a Forest Officer acting in good faith under the regulation.

The decision written by Justice McAllister and concurred in by Justices Ross and Lockwood closed with the words:

"If Section 602 (Arizona statute on trespass) made it a crime for one to kill the animal of another willfully and intentionally merely, omitting the element of maliciousness, it might be that killing one pursuant to Regulation T-12 would constitute an offense provided such regulation is invalid, but we are not here concerned with a statute of this character."

"The judgment of the lower court is reversed and the case remanded, with directions to discharge the appellant."

Jess went back to work but was transferred from the Greer District the following August 1. During the trial he had been subjected to considerable personal harrassment. His dog Phoenix (Figure 5) had helped in the roundups and was fed cyanide in the Greer Pasture. Ruth's saddle mare was also shot and killed.



Figure 5. Jess with his dog Phoenix.

Case Publication

The case was published in 265 Pacific Reporter as Fears v. State (No. 677) on page 600. This publication covers important court decisions in several Pacific Southwestern states. Decisions are included when they set precedent or contain some significant feature or clarification of law that could be cited in future cases. Four headnotes are shown which list the important aspects, as follows:

1. Criminal law - Words "malice" and "maliciously" as used in statute have two meanings, first, with reference to malice in fact, and, second, with reference to malice in law.
2. Animals - In prosecution under statute making malicious killing of animal belonging to another misdemeanor, actual malice must be shown.
3. Animals - Ranger prosecuted for killing mare in compliance with regulation held not guilty of malicioius killing.
4. Constitutional law - Constitutionality of statute is presumed until contrary is clearly shown.

IMPOUNDING OF LIVESTOCK

Wording in Effect in 1936

REG. T-12 Livestock found trespassing on national forest land or any other lands under the control of the Forest Service if not removed upon reasonable notice may be impounded by the forest officers. No livestock will be impounded until known owners of the livestock are given written notice of intention to impound and at least 15 days have elapsed from the date notice is first posted at the county courthouse and published in a newspaper serving the community within or adjacent to the area on which the trespass is occurring, provided, that if all owners are known and are given written notice advertising and posting may be dispensed with. Such notices shall state the kind of livestock and the area on which it is trespassing, that it will be impounded on or after a specified date, and when impounded will be sold in default of redemption by the owner. No sale will be made until five days have elapsed from the date the livestock was impounded. If the stock be not redeemed on or before the date fixed for its sale, it shall be sold at public sale to the highest bidder. If no bid is received, in the discretion of forest officers the stock may be sold at private sale or be condemned and destroyed or otherwise disposed of. The owner may redeem the stock by submitting proof of ownership and paying all expenses incurred by the United States in advertising, gathering, pasturing, and impounding it. Upon the sale of any stock in accordance with this section the forest officer shall issue a certificate or bill of sale.

Footnotes

- 1/ Ed Tucker, now retired from the Forest Service, was assigned the task of compiling a comprehensive history of the Forest Service in the Southwest. He undertook to interview and record the stories of more than 50 retired Forest Officers, and the resulting 1,569 pages of transcript and documents are the basis for the book entitled "Men Who Matched the Mountains," Government Printing Office, Catalog #A13.2:M52.
- 2/ This site is still used as the Greer Guard Station, but is part of the Springerville Ranger District.
- 3/ The Skull Valley District became Walnut Creek in 1941. The North Globe was joined with the Pinal in 1946, and both became part of the Tonto National Forest in 1953 when the Crook National Forest was disbanded. The Mazatzal became Tonto Basin in 1952. For the uninitiated, Mazatzal is pronounced Matazel; no one knows why. It is the name of a mountain range and a wilderness area.
- 4/ Mrs. Fears says he worked longest for the Hashknife outfit out of Holbrook, but they were liquidated in 1901 before Jess came to Arizona from Texas. He, probably, worked for the successor to the original Hashknife, using the famous brand.
- 5/ "Hoof Prints on Forest Ranges" by Paul H. Roberts. Published by the Naylor Company, 1963. Mr. Roberts passed away July 14, 1971.
- 6/ Regional Law Officer was the title used before the present "Attorney-In-Charge," and when the Attorney was a Forest Service employee.
- 7/ William S. Porter, former State Senator and now a businessman of Mesa, Arizona.
- 8/ The Beckers are a pioneer family in the Springerville area, Gustav Becker having arrived there in August 1876, from Belen, New Mexico. Merchant, rancher, farmer, and civic leader, he and later members of the family wielded considerable influence.
- 9/ Now Regional Forester, the title District Forester was used until May 1930. The Chief of the Forest Service was the Forester.

- 10/ Earl Loveridge, Regional Forest Inspector in Division of Operation, Region 3, and later, Assistant Chief of the Forest Service.
- 11/ In researching this story, four separate versions of Regulation T-12 were found. The latest is codified as 36 C.F.R. 261.13. The wording pertinent to this narrative also suffered four variations, but all provided for the same end result.
- 12/ Jess later took full responsibility, and these two were never identified with the event. Both are now deceased; and, with the elapse of over 40 years, it should be safe to identify them as Heck Marley and Killough Pruitt.
- 13/ Jess referred to Attorney Barth as "Old Ike Barth." He was a member of the Barth family who were the first "Anglo" settlers in the St. Johns area, and who had contracts to supply hay to the Army at Fort Apache.
- 14/ Levi S. Udall, now deceased, was the father of the well-known Udall brothers--Congressman Morris Udall and former Interior Secretary Stewart Udall.
- 15/ Attorney Axline is still a practicing attorney with the firm of Axline and Johnson in Holbrook, Arizona.
- 16/ The District Court for the District of Arizona, Northern Division, was ostensibly headquartered in Prescott, but also sat in Tucson. The Northern Division apparently covered the whole state outside of Maricopa County (Phoenix area).
- 17/ The panel consisted of Circuit Judge Erskine M. Ross, and District Judges Fred C. Jacobs and W. P. James.

IT AIN'T BEEN THE SAME EVER SINCE:

First Use of Aircraft to Move Manpower in Fire Emergencies

19. 10. 1937. - *W. H. G. & J. C. G.*
The first of the two new species of *Leptothrix* described by
Hansen & Hansen (1937) has been found in the same locality as
the type material.

August 1979 marks the first 50 years of using aircraft to move manpower in fire emergencies. What follows is the story of those first flights in the late summer of 1929 that sent Forest Service overhead to help battle fires in Montana's Blackfeet National Forest.

Introduction

The fire season was especially severe in Montana in the summer of 1929. Day after day the sun was a red ball in the sky as a pall of smoke lay over the entire western half of the state. All local manpower had been fully committed to the fight when more fires broke out on the Blackfeet National Forest which was headquartered at Kalispell^{1/}.

One of those fires was to grow into the huge Half Moon Fire that burned on both the Blackfeet National Forest and Glacier National Park. Starting from logging activity on private land near the sawmilling community of Half Moon, the fire burned northeastward over Teakettle Mountain, crossing private lands, the National Forest and on into the Park. It was finally stopped near the south end of Lake MacDonald after burning more than 90,000 acres. Many homesteads were destroyed as the fire left devastation in its wake. It burned with great intensity and some of the earliest known writing on fire behavior resulted from observations of the fire by H. T. Gisborne^{2/}.

At District^{3/} headquarters in Missoula, 100 miles to the south of Kalispell, a call for help went out to other Districts. At District 3 in Albuquerque, the wire requesting manpower was relayed to Stanley F. Wilson, Assistant Chief of Operation in charge of Fire Control^{4/}. Stan was a 1914 Yale Forestry School graduate who had shown considerable ability for innovation during his early career and he carried this innovative spirit over into his supervision of the fire control job. There was no problem in finding the manpower to fill the initial request but there was a problem in delivery. Even in the heyday of rail travel it was difficult to travel north and south in western United States. However, everyone in New Mexico and Arizona was newly enamored with the idea of air travel. In the previous two months, first on May 15, 1929, and then again on July 7, 1929, commercial air services had been brought to Albuquerque by fledgling air services that were destined to grow into giants in the industry. On May 15, Western Air Express, one of the forerunners of Western Airlines, had inaugurated passenger service to Los Angeles using 10-place Fokker F-10 tri-motor aircraft. Then on July 7, Transcontinental Air Transport, later to become TWA, had inaugurated the first transcontinental air passenger service with a route between New York and Los Angeles. Transcontinental Air Transport had devised a way to move passengers between the east and west coasts through

a combination of rail and air travel. Aircraft navigational aids were non-existent so TAT's scheme allowed passengers to travel by sleeping car at night and to fly in Ford tri-motors by day. The whole trip took 48 hours. The final leg was an air hop starting at Clovis, New Mexico and going through Albuquerque, then on to Winslow and Kingman in Arizona, and finally ending at Los Angeles.

The possibilities of air transport were, therefore, not lost on Stan Wilson. Aircraft Holdings, Inc., of Albuquerque had just acquired one of the new 6-place Ryans that resembled the Spirit of St. Louis. This aircraft, somewhat larger than Lindbergh's, was powered by a 300 HP Wright J-6 engine. The plane, NC 9231, had already achieved some fame when Jack Dalton of the original Dalton gang had married an old sweetheart, Cattle Annie, while circling over Albuquerque. For the wedding ceremony, the aircraft was piloted by Chief Pilot Bill Cutter who later went on to own the company and to build it into the Southwest's well-known Cutter Flying Service.

Ryan Flight

Stan quickly arranged a deal and the Ryan flew to Winslow, apparently with Stan as passenger. He took along his trusty Kodak in order to record the event for posterity (Figure 1). On August 15, 1929, the aircraft picked up four fire fighters and left for District 1. Stan undoubtedly yearned to make the trip himself because in 1929 air travel was a real novelty. He didn't get to go, probably because the annual ranger meeting was about to begin at the Fort Valley Experiment Station north of Flagstaff. It is not definitely known what he did next but ten days later he was still in Arizona with his camera. Those intrepid pioneers on this first flight must have had their names picked as a block from a roster of Forest officers because all surnames started with an "m": Robert C. Munro, Claude W. McKenzie, Charles E. Moore, and George Mutz. The pilot was not Chief Pilot Cutter but Mr. Barney Holmes^{5/}. Holmes had first worked with Bill Cutter as an aircraft mechanic, both having moved down from Casper, Wyoming to join the new air service at Albuquerque^{6/}. When business grew enough to require a relief pilot, they got Barney his pilot's license. At the time of the flight from Winslow, he must have been remarkably short of commercial flight hours, but then it would be many more years before the Forest Service began "carding" aircraft and pilots.

Not much is known about that first flight or those that followed. We do know that it was a two-day trip and the Ryan made Idaho Falls, Idaho, the first night. At Idaho Falls, a telegram informed

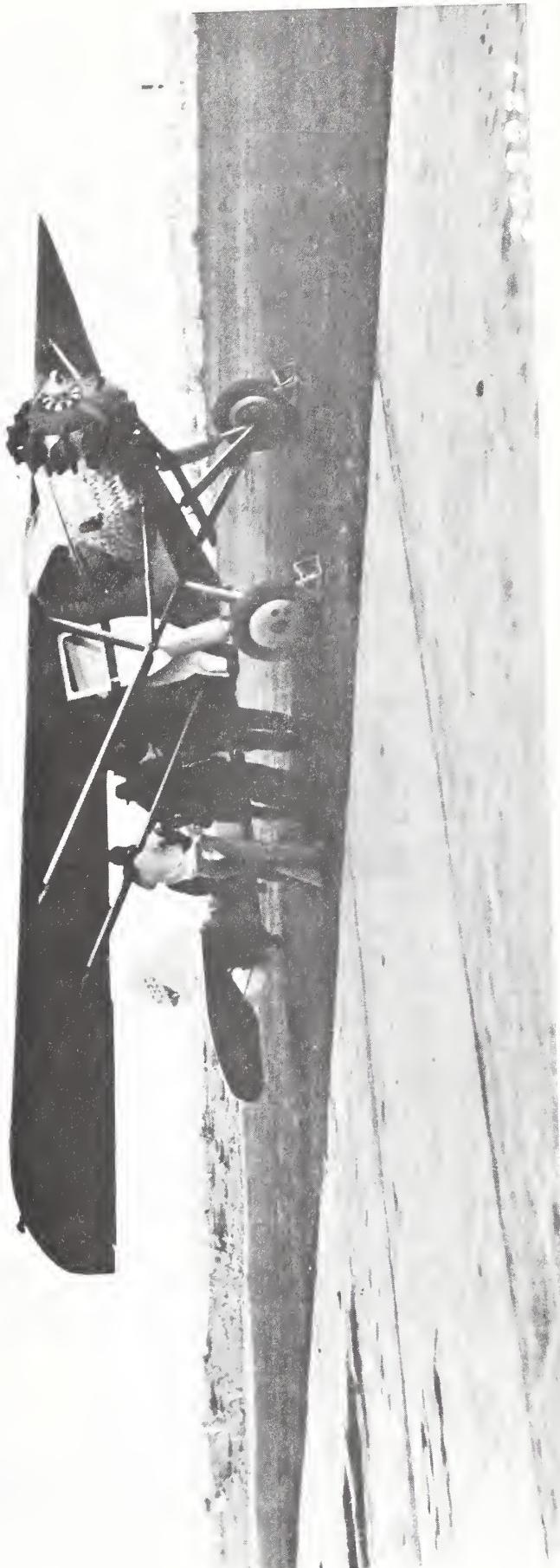


Figure 1. August 15, 1929. The Ryan from Albuquerque loads at Winslow, Arizona.
Destination: The Half Moon Fire in Montana.

them that they would have to land at Butte, 90 air miles southeast of Missoula because smoke had closed the Missoula and Kalispell airfields. From Butte, they may have taken the Great Northern which would have taken them to Kalispell on a route via Great Falls and Shelby. Those first four men joined many others arriving by train from other Districts.

Ford Tri-Motor Flights

However, the fires didn't yield to this first infusion of manpower. On August 21, the Half Moon Fire blew up running all the way from Teakettle Mountain to Belton and Glacier Park headquarters during the afternoon. District 1 wired for help again. This time Stan Wilson found his plane at the Grand Canyon. Scenic Airways, Inc., was operating out of the old Tusayan airstrip at Red Butte using a Ford Tri-motor to carry tourists on sightseeing flights over the Grand Canyon and to ferry passengers to the North Rim, landing on the sod strip at VT Park in the Kaibab National Forest.

In 1929, the corrugated aluminum skinned Ford Tri-motor, with its wicker seats, was the latest thing in passenger aircraft. That type aircraft was shiny new at the time, and they later flew to fame as a rough country, short-strip workhorse. Of 198 constructed by Ford, 40 are reported still flying or undergoing reconstruction. Many of those now in use have been rebuilt from wrecks by owners who swear by them and will go to great lengths to own one. The corrugated skin can still be fabricated from the original ALCOA dies. In the original configuration, the plane may have been slightly underpowered with its three J-5 Wright 220 horsepower engines. Repeatedly re-engined, most of them were eventually mounted with Pratt and Whitney Wasps with 420 hp ratings. Although widely used in South America, the Tri-motors probably flew to their greatest fame with the Johnson Flying Service in Missoula who owned as many as five of them. Famous in forest fire work, they were at their best when used for cargo hauling and air dropping. For years they were the mainstay of the smokejumper operations in Idaho and Montana. A successor to Scenic Airways, Grand Canyon Scenic Airways, has recently acquired two of them⁷⁷.

On August 25, the second plane load of fire overhead left for Montana. This time the list of passengers may have reflected a little rank pulling since Stan's boss from Albuquerque, Hugh G. Calkins, was on board. Stan was on hand, though, and he again recorded the event with his trusty Kodak (Figures 2 and 3). The



Figure 2. August 25, 1929. The Tri-Motor loading at Grand Canyon.

243935

Figure 3. August 25, 1929. Away we go!



other passengers included Hugh O. Cassidy, Frank Grubb, who was Supervisor of the Prescott National Forest, and two rangers, Ed Oldham and Jewell Wyche. But that wasn't all. No less a celebrity than Arizona Governor John C. Phillips was on board as was the Scenic Airways Manager Earl J. Kinter^{8/} and an unknown doctor from Phoenix. No one knows why they came along but maybe the Governor couldn't turn down a free ride. However, the presence of this extra cargo indicates that the flight probably originated in Phoenix.

They flew to Salt Lake City where, according to the recollection of Jewell Wyche, they phoned or wired to Missoula to see if the plane should be chartered all the way through^{9/}. They were advised to take the train because aircraft could still land no closer than Butte, and there was plenty of time since they were still assembling their crews. In those days, the Union Pacific ran daily passenger service from Salt Lake City to Butte via Monida Pass. At Butte, besides the route through Shelby, there was also a choice of two transcontinental rail lines. It is not known when they finally reached the fire.

The final chapter in these pioneering flights came just after September 1, with the dispatch of a third flight, this time from old Koch Field near Flagstaff. Stan finally made the manifest but he must have left his camera somewhere because he left no photographic record. At the time, the annual Forest ranger training school was in full swing at the Fort Valley Experiment Station. For this load, they broke up the training camp and sent a full Tri-motor complement of 12 men. These were John D. Johns, Assistant Regional Forester for Public Relations; C. A. "Henie" Merker, Assistant Supervisor on the Carson; Jess Fears, a ranger on the Prescott; Bob Stewart, a ranger on the Tonto; W. G. "Babe" Koogler, Assistant Range Examiner on the Coronado; Reuben I. Boone, a ranger on the Lincoln; Clyde P. Moose*, a ranger on the old Tusayan; Frank M. Burton, a ranger on the Santa Fe; J. Olson, a ranger on the Coronado; Eastburn R. Smith, a ranger on the Coconino; John P. Nelson, a ranger on the Sitgreaves; and of course, Stanley F. Wilson. This flight landed at Salt Lake City for lunch, then went on to Missoula where the smoke problem had abated somewhat, and then flew on to Kalispell. Ranger Moose wrote of the trip several years later:

We flew over the Grand Canyon and it was a beautiful sight. Our first stop was at Salt Lake City, Utah, where we had lunch. In flying over the irrigated fields around Ogden, the

*By 1979 Mr. Moose and Mr. Koogler were the only survivors of all those who went to Montana from District 3.

air was very rough and a lot of the men became deathly air sick. Our next stop was at Missoula, Montana. They wanted us at Kalispell but the smoke from the fires was pretty thick up that way and there was some discussion as to the advisability of continuing the flight. There were no radios, radar signals or beacon lights those days, but our pilot was an experienced ex-Army major pilot and familiar with that part of the country and felt sure he could make it. However, he told someone at the Airport to phone ahead and tell the attendants at Kalispell that in case it was after dark or if the smoke cut visibility down to almost zero, for them to light the field by pouring a barrel of gasoline along the edge of the runway and light it. He cautioned them that he did not want to land and run through the flame but wanted to pass just over it and touch the ground.

We passengers were worried and watching the visibility and long before we got there could dimly see the pale orange colored sun. Our pilot followed a river that was distinguishable and he knew led to the Airport he wanted. We landed safely and were escorted to an eating place.¹⁰

Some of the men were immediately sent out to the fire camps, we others were quartered in a hotel for the night. Next day all except myself were sent out. I was kept in the Supervisor's office and made out meal-tickets for the men that came to town to be sent out to the fire. In the afternoon the head of Personnel took me in his car, up above the town of White Fish, planning to send me out with a crew, but it snowed in the higher elevations and more men were not needed and I returned Kalispell with the man, Mr. Stockdale.

Information about the deployment of the District 3 men is not available. Clyde didn't see much fire because he was held in Kalispell a day to help there, and then taken to the fire camp a day or two later. By that time it had rained and snowed so he never got on the line. After three or four days of this, he returned home by train and the rest followed a day or so later.

Mrs. Fears during a personal interview recently recalled that Jess thought that the high country covered by the fire was so remote, wild and beautiful that the firefighters might have been the first white men to see it. The lakes were full of trout. In a couple hours of fishing, Jess caught a back pack full in order to feed 30 men one evening¹¹.

It is not known when all of the men returned home. District 3 sent at least 30 men to Montana that summer but only 21 went by air.

These three flights to Montana would hardly be noted if they happened in 1979 but fifty years ago air passenger service was a new concept and people still ran out in their yards to watch for a plane they could barely hear. To the individuals making the flights to Montana, it must have been high adventure. Those trips are important now because they mark the first beginnings of the use of aircraft to move firefighters¹²⁷. Today hundreds of people, both overhead and crews, are routinely moved by aircraft to distant fires. It just ain't been the same ever since.

Footnotes

- 1/ The Blackfeet Forest ceased to exist in the early 1930's when there was one of those periodic realignments and consolidations of units.
- 2/ H. T. Gisborne, A Forest Fire Explosion.
- 3/ Regions were called Districts until May 1930. District (Region) numbers have not changed much since Pinchot's day. Region 1 has been continuously at Missoula.
- 4/ In Region 3, there was no separate Division of Fire Control until February 1957. In 1929, it was the Division of Operation, Fire Control, and Personnel Management under Assistant District Forester Hugh G. Calkins.
- 5/ B. H. Holmes passed away in Albuquerque in April 1978. He flew aircraft up through World War II, spending the war years as an instructor pilot.
- 6/ Albuquerque's first airport wasn't even built until 1928 when Frank Speakman and William Franklin leased land on the east mesa and graded an airstrip with borrowed city equipment. The present airport is on essentially the same site.
- 7/ See ARIZONA HIGHWAYS of November 1977.
- 8/ Earl J. Kinter was a former Forest Service Ranger, having served on the old Tusayan National Forest (South Kaibab). He was ranger on the Anita Moqui District from May 1918 to April 1923.
- 9/ Scenic Airways main offices were at 1001 Walker Bank Building in Salt Lake City. Salt Lake may have been home base. Since there was daily train service from Salt Lake to Butte, the question of going all the way through by air may have been deliberately left undecided because of the vagaries of smoke conditions encountered earlier on the Ryan flight.
- 10/ Moose Tales of Arizona, memoirs of Clyde P. Moose.
- 11/ Letter from Ruth Fears to author.

12/ The first known use of aircraft by the Forest Service was on the Cleveland National Forest in about 1917. General Hap Arnold was apparently instrumental in bringing about an arrangement to use military aircraft for patrolling. There were doubtless many other events prior to 1929. Another such case was the use of a military craft from Fort Bliss on the Coronado National Forest in 1929 to scout a large fire on the Santa Catalina Mountains.

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